



**ANAIS
D'ARVILLE**
Barrister

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AREAS OF PRACTICE	Competition, General Commercial, Sports Law, Equity, Banking, Insolvency, Corporations.	
PROFESSIONAL EXPERIENCE	<p>2012-present: NSW Bar</p> <p>2008-2012: Associate/Senior Associate, Freshfields Bruckhaus Deringer LLP, London</p> <p>2005-2008: Solicitor, Litigation, Mallesons Stephen Jaques, Sydney</p> <p>2004: Tipstaff to the Hon Ipp JA AO, Court of Appeal, NSW Supreme Court</p>	
EDUCATION	<p>Bachelor of Laws (First Class Honours) and Bachelor of Economics, Australian National University, 2003</p> <p>EAP Exchange Program, University of California – Berkeley, USA, 2002</p>	
MEMBERSHIPS AND OTHER ACTIVITIES	<p>2019 – Present: Member of FIBA Appeals Panel</p> <p>2017 – Present: Member of NBL Tribunal, Substitute Member of FIVB Tribunal</p> <p>2016 – Present: Member of Australian and New Zealand Sports Law Association</p> <p>2005-2008, 2012-2017: Downing Centre Duty Solicitor Scheme, Downing Centre Duty Barrister Scheme, Offshore Asylum Support Project (PILCH)</p> <p>2008-2012: Asylum Support Appeals Project (UK), volunteer duty solicitor, Duty solicitor, Citizens Advice Bureau, Royal Courts of Justice</p>	
RECENT SELECTED CASES	<p>Anais has experience in all NSW Courts, the Federal Court and Federal Circuit Court, the Victorian and West Australian Supreme Courts and various tribunals, including various sporting tribunals and the Australian Competition Tribunal. He has also appeared in the High Court of Fiji.</p> <p>The following are a selection of proceedings in which Anais has appeared.</p>	
COMPETITION AND CONSUMER	<i>Epic Games, Inc v Google LLC (Service Out of Jurisdiction)</i> [2021] FCA 666	Application for service outside jurisdiction <i>With N Young QC, N De Young QC, D Tynan and T Epstein</i>
	<i>ACCC v Google LLC (No 2)</i> [2021] FCA 367	Final Hearing: Misleading and Deceptive conduct <i>With K Richardson SC</i>
	<i>ACCC v Pacific National Pty Limited (No 2)</i> [2019] FCA 669; <i>ACCC v Pacific</i>	Final Hearing and Appeal: Competition allegations re: proposed merger

	<i>National Pty Limited</i> [2020] FCAFC 77; [2020] HCATrans 213	With CA Moore SC, DJ Roche and D Forrester
	<i>ACCC v Ramsay Health Care Australia Pty Limited</i> [2020] FCA 308	Final Hearing: Misuse of Market Power and Exclusive Dealing With NC Hutley SC and RCA Higgins SC
	<i>Prysmian Cavi E Sistemi S.R.L. v ACCC</i> [2018] FCAFC 30	Appeal: Cartel arrangement or understanding With CA Moore SC
	<i>ACCC v Australian Competition Tribunal</i> [2017] FCAFC 150	Final Hearing: Judicial review of merger authorisation With CA Moore SC, N de Young and B Lim
	<i>Application by Tabcorp Holdings Ltd</i> [2017] ACompT 1; [2017] ACompT 5	Final Hearing: Merger authorisation application With CA Moore SC, N de Young and R Yezerski
	<i>Application by Sea Swift Pty Limited</i> [2016] ACompT 9	Final Hearing: Merger authorisation application With N Young QC and R Orr QC
GENERAL COMMERCIAL / EQUITY	<i>Hakea Holdings Pty Ltd v McGrath</i> [2021] FCA 660	Application to re-open With C Withers SC
	<i>Blackmores Ltd v Jestins Enterprises Pty Ltd</i> [2020] NSWSC 1177	Final Hearing: Contract, Misleading and Deceptive Conduct Unled
	<i>Barrett v Maradaca Pty Ltd</i> [2020] NSWSC 440; <i>Wormald v Maradaca Pty Ltd</i> [2020] NSWCA 289	Final Hearing and Appeal: Contract, Misleading and Deceptive Conduct Unled at first instance; With I Pike SC on appeal
	<i>Westpac Banking Corporation v Southern Environmental Services Pty Ltd</i> [2020] NSWSC 448	Final Hearing: Conversion, Detinue, Abandonment, Estoppel Unled
	<i>Wigmans v AMP Ltd</i> [2019] NSWCA 243; <i>Komlotex Pty Ltd v AMP Ltd</i> [2020] NSWSC 504	Representative proceedings: Continuous Disclosure With CA Moore SC and G Donnellan

Comlin Holdings Pty Ltd v Metlej Developments Pty Ltd [2018] NSWSC 761; [2018] NSWCA 329; [2019] NSWCA 62; [2019] NSWCA 73; [2019] NSWCA 214

Final Hearing and Appeal: Contract, Partnership, Estoppel

Unled on appeal; With M E Hall at first instance

Brisconnections Finance Pty Ltd (Receivers and Managers Appointed) v Arup Pty Ltd [2017] FCA 1268

Final Hearing: Negligence and misleading and deceptive conduct in relation to traffic forecasts

With N Hutley SC, I Pike SC and AE Munro

Smith v Australian Executor Trustees Limited; Creighton v Australian Executor Trustees Limited [2017] NSWSC 1406

Interlocutory Hearing: Strike Out – auditor’s negligence claim

With J Kirk SC, DFC Thomas and A Shearer

HP Mercantile Pty Ltd v Hartnett & Ors [2015] NSWSC 1475; [2016] NSWCA 342; [2017] NSWCA 79

Separate Question and Appeal: Claim under Loan Agreement

With CRC Newlinds SC

Poon v Poon [2017] NSWDC 117

Final Hearing: Loan Agreement dispute

Unled

Byers v Frith [2016] NSWDC 209; *Byers v Frith (No 2)* [2017] NSWDC 165

Final Hearing: Product Liability and Breach of Contract

Unled

Raffe v Raffe [2017] FJHC 936; [2017] FJHC 705; [2017] FJHC 657

Final Hearing: Probate – interpretation of will and powers of executors

With A Coleman SC

Re Ikon Group Ltd (2015) 107 ACSR 146; [2015] NSWSC 980; (No 2) [2015] NSWSC 981; (No 3) [2015] NSWSC 982

Interlocutory injunction: Breach of directors’ duties and injunction

Unled

Polo Enterprises Australia Pty Ltd v Pinctada Hotels and Resorts Pty Ltd [2015] NSWSC 756; [2016] NSWSC 717

Final Hearing: Contract, Issue Estoppel, Costs

Unled

CORPORATIONS / INSOLVENCY / BANKRUPTCY

In the matter of Festival Corp Pty Ltd [2020] NSWSC 1426

Application for interlocutory injunction and production of documents

With A P Coleman SC

Ritossa & Anor v Rutland & Anor [2019] FCCA 1219

Application for a sequestration order

Unled

	<i>White, in the matter of Mossgreen Pty Ltd (Administrators Appointed) (No 3)</i> [2018] FCA 711	Application for directions in respect of property held by insolvent company <i>Unled</i>
	<i>In the matter of Golden Sands Hospitality Pty Ltd (in liq)</i> [2017] NSWSC 410; (No. 2) [2017] NSWSC 450	Final Hearing: Replacement of liquidator and approval of Deed of Indemnity <i>Unled</i>
	<i>In the matter of David Ireland Productions Pty Ltd</i> [2014] NSWSC 1411	Final Hearing: Winding Up <i>Unled</i>
TAXATION / REGULATORY	<i>Mosaic Brands Ltd v Australian Communications and Media Authority</i> [2021] FCA 669	Judicial Review: Validity of statutory notice <i>With M Pulsford</i>
	<i>Commissioner of Taxation v Rowntree</i> [2020] FCA 1322; <i>Commissioner of Taxation v Rowntree (No 2)</i> [2021] FCA 268; <i>Commissioner of Taxation v Rowntree (No 3)</i> [2021] FCA 306	Final Hearing: Promoter Penalty Provisions <i>With K J Deards SC</i>
DEFAMATION / MEDIA	<i>Herron v HarperCollins Publishers Australia Pty Ltd</i> [2020] FCA 805 (substantive judgment reserved)	Final Hearing: Defamation <i>With T D Blackburn SC</i>
	<i>Cummings v Fairfax Digital Australia & New Zealand Pty Ltd; Cummings v Fairfax Media Publications Pty Ltd</i> [2018] NSWCA 325	Appeal: Defamation <i>With ATS Dawson SC</i>
	<i>Seven Network (Operations) Ltd v Brown</i> [2013] NSWSC 372	Final Hearing: Employment Contract – Termination <i>With T D Blackburn SC</i>
MIGRATION	<i>BIP18 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs</i> [2021] FCCA 827	Final Hearing and Appeal: Migration <i>Unled</i>
	<i>FOE17 v Minister for Immigration & Anor</i> [2019] FCCA 1861; [2020] FCAFC 73	Final Hearing and Appeal: Migration <i>Unled</i>
	<i>BIR17 v Minister for Immigration & Anor</i> [2019] FCCA 155; [2019] FCA 850	Final Hearing and Appeal: Migration <i>Unled</i>
	<i>SZTIK v Minister for Immigration and Border Protection & Anor</i> [2014] FCCA 1483	Final Hearing: Migration <i>Unled</i>

EXPERIENCE IN SPORTS TRIBUNALS

Anais is a member of the NBL Tribunal, a member of the FIBA Appeals Panel and a substitute member of the FIVB Tribunal.

The following are a selection of proceedings in which Anais has appeared.

AS TRIBUNAL MEMBER

FIBA Appeals Panel

Dispute involving international transfer of youth player

NBL Tribunal

Disciplinary proceedings in respect of post-match conduct by a player

AS ADVOCATE

Australian Olympic Committee Appeal Tribunal

Appeared for athlete in respect of non-nomination for Tokyo Olympics

Unled

NRL Anti-Doping Tribunal

Appeared for five NRL Players in relation to the use of peptides

With A P Coleman SC

Appeared for NRL Player in relation to use of supplement

With A P Coleman SC

Independent Disciplinary and Ethics Committee of the Football Federation of Australia (A-League)

Disciplinary Counsel for the following matters: Roy O'Donovan (Central Coast Mariners), Harry Novillo (Melbourne City), Dino Djulbic (Perth Glory)

Unled

NEAFL Tribunal

Appeared as disciplinary counsel for the NEAFL

Unled

Football NSW General Purpose Tribunal

Various matters, including charges relating to side-line altercation and post-match celebrations

Unled

Group 6 Junior Rugby League Tribunal

Appeared for a rugby league coach in respect of a post-match altercation

Unled
