



**ANAIS
D'ARVILLE**
Barrister

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anais.darville@banco.net.au

AREAS OF PRACTICE

General Commercial, Competition, Equity, Sports Law, Banking, Insolvency, Corporations.

PROFESSIONAL EXPERIENCE

2012-present

NSW Bar

2008-2012

Associate/Senior Associate, Freshfields Bruckhaus Deringer LLP, London

2005-2008

Solicitor, Litigation, Mallesons Stephen Jaques, Sydney

2004

Tipstaff to the Hon Ipp JA AO, Court of Appeal, Supreme Court of New South Wales

EDUCATION

1999 – 2003

Bachelor of Laws (First Class Honours) and Bachelor of Economics, Australian National University (*ANU Honours Scholarship, 2003, Butterworths Prize for Restitution, 2003, BC Meagher Prize for Commonwealth Constitutional Law, 2001, David J Teece-Austlea Scholarship in Law and Economics, 2001*)

2002

University of California – Berkeley, USA, EAP exchange program

MEMBERSHIPS AND OTHER ACTIVITIES

2019-present

Member of FIBA Appeals Panel

2017-present

Member of NBL Tribunal

2017-present

Substitute Member of FIVB Tribunal

2016-present

Member of Australian and New Zealand Sports Law Association

2005-2008, 2012-2017

Downing Centre Duty Solicitor Scheme, Downing Centre Duty Barrister Scheme,

2012-2014

Offshore Asylum Support Project (PILCH)

2008-2012

Asylum Support Appeals Project (UK), volunteer duty solicitor, Duty solicitor, Citizens Advice Bureau, Royal Courts of Justice

RECENT SELECTED CASES

Anais has experience in all NSW Courts, the Federal Court and Federal Circuit Court, the Victorian and West Australian Supreme Courts, NCAT and other specialist tribunals, including various sporting tribunals and the Australian Competition Tribunal. He has also appeared in the High Court of Fiji.

Anais has experience in arbitrations and expert determinations relating to infrastructure and resources.

The following are some of proceedings in which Anais has appeared.

Competition

ACCC v Pacific National Pty Limited (No 2) [2019] FCA 669; *ACCC v Pacific National Pty Limited* [2020] FCAFC 77
Final Hearing and Appeal: Competition allegations re: proposed merger
With CA Moore SC, DJ Roche and D Forrester

ACCC v Ramsay Health Care Australia Pty Limited [2020] FCA 308
Final Hearing: Misuse of Market Power and Exclusive Dealing
With NC Hutley SC and RCA Higgins SC

Prysmian Cavi E Sistemi S.R.L. v ACCC [2018] FCAFC 30
Appeal: Cartel arrangement or understanding
With CA Moore SC

ACCC v Australian Competition Tribunal [2017] FCAFC 150
Final Hearing: Judicial review of merger authorisation
With CA Moore SC, N de Young and B Lim

Application by Tabcorp Holdings Ltd [2017] ACompT 1; [2017] ACompT 5
Final Hearing: Merger authorisation application
With CA Moore SC, N de Young and R Yezerski

Application by Sea Swift Pty Limited [2016] ACompT 9
Final Hearing: Merger authorisation application
With N Young QC and R Orr QC

General Commercial / Equity

Blackmores Ltd v Jestins Enterprises Pty Ltd [2020] NSWSC 1177
Final Hearing: Contract, Misleading and Deceptive Conduct
Unled

Barrett v Maradaca Pty Ltd [2020] NSWSC 440
Final Hearing: Contract, Misleading and Deceptive Conduct
Unled

<i>Westpac Banking Corporation v Southern Environmental Services Pty Ltd</i> [2020] NSWSC 448	Final Hearing: Conversion, Detinue, Abandonment, Estoppel <i>Unled</i>
<i>Wigmans v AMP Ltd</i> [2019] NSWCA 243; <i>Komlotex Pty Ltd v AMP Ltd</i> [2020] NSWSC 504	Representative proceedings: Continuous Disclosure <i>With CA Moore SC and G Donnellan</i>
<i>Comlin Holdings Pty Ltd v Metlej Developments Pty Ltd</i> [2018] NSWSC 761; [2018] NSWCA 329; [2019] NSWCA 62; [2019] NSWCA 73; [2019] NSWCA 214	Final Hearing and Appeal: Contract, Partnership, Estoppel <i>Unled (leading M Hall at first instance)</i>
<i>Brisconnections Finance Pty Ltd (Receivers and Managers Appointed) v Arup Pty Ltd</i> [2017] FCA 1268	Final Hearing: Negligence and misleading and deceptive conduct in relation to traffic forecasts <i>With N Hutley SC, I Pike SC and AE Munro</i>
<i>Smith v Australian Executor Trustees Limited; Creighton v Australian Executor Trustees Limited</i> [2017] NSWSC 1406	Interlocutory Hearing: Strike Out – auditor’s negligence claim <i>With J Kirk SC, DFC Thomas and A Shearer</i>
<i>HP Mercantile Pty Ltd v Hartnett & Ors</i> [2015] NSWSC 1475; [2016] NSWCA 342; [2017] NSWCA 79	Separate Question and Appeal: Claim under Loan Agreement <i>With CRC Newlinds SC</i>
<i>Poon v Poon</i> [2017] NSWDC 117	Final Hearing: Loan Agreement dispute <i>Unled</i>
<i>Byers v Frith</i> [2016] NSWDC 209; <i>Byers v Frith (No 2)</i> [2017] NSWDC 165	Final Hearing: Product Liability and Breach of Contract <i>Unled</i>
<i>Raffe v Raffe</i> [2017] FJHC 936; [2017] FJHC 705; [2017] FJHC 657	Final Hearing: Probate – interpretation of will and powers of executors <i>With A Coleman SC</i>
<i>Re Ikon Group Ltd (2015)</i> 107 ACSR 146; [2015] NSWSC 980; <i>(No 2)</i> [2015] NSWSC 981; <i>(No 3)</i> [2015] NSWSC 982	Interlocutory injunction: Breach of directors’ duties and injunction <i>Unled</i>

	<i>HP Mercantile Pty Ltd v Clements</i> [2014] NSWSC 509; [2015] NSWCA 212	Final Hearing and Appeal: Contract – Claim under Loan Agreement <i>With CRC Newlinds SC</i>
	<i>Polo Enterprises Australia Pty Ltd v Pinctada Hotels and Resorts Pty Ltd</i> [2015] NSWSC 756; [2016] NSWSC 717	Final Hearing: Contract, Issue Estoppel, Costs <i>Unled</i>
CORPORATIONS / INSOLVENCY / BANKRUPTCY	<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>
	<i>Macquarie Bank Limited v Ponnampalam</i> [2014] FCCA 1685	Final Hearing: Creditor’s Petition <i>Unled</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>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>

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.

As Tribunal Member

FIBA Appeals Panel	Dispute involving international transfer of youth player
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NBL Tribunal	Disciplinary proceedings in respect of post-match conduct by a player
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As Advocate

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)
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Unled

NRL Anti-Doping Tribunal	Appeared for five NRL Players in relation to the use of peptides
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With A P Coleman SC

Appeared for NRL Player in relation to use of supplement

With A P Coleman SC

NEAFL Tribunal	Appeared as disciplinary counsel for the NEAFL
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Unled

Football NSW General Purpose Tribunal	Various matters, including charges relating to side-line altercation and post-match celebrations
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Unled

Group 6 Junior Rugby League Tribunal	Appeared for a rugby league coach in respect of a post-match altercation
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Unled