



**ROBERT
YEZERSKI**
Barrister

+61 2 9376 0660
robert.yezerski@banco.net.au

ADMISSION TO BAR

2010

PRACTICE AREAS

General commercial
Competition & Regulatory
Criminal cartel
Representative proceedings (Class actions)
Corporations & Insolvency
Equity, Trusts and Property
Insurance
Administrative and public law

ACADEMIC

July 2011 – Nov 2018

Adjunct Senior Lecturer, UNSW

Co-Convenor, Conflict of Laws

July 2011 – Dec. 2011

Lecturer, University of Sydney

Co-teaching Topics in Legal History

Sept. 2005 – May 2006

Harvard Law School

LL.M.

Feb. 1998 – Dec. 2003

University of Sydney

LL.B. (First Class Honours & University Medal)

Feb. 1998 – Dec. 2001

University of Sydney

B.A. (History) (First Class Honours & University Medal)

ASSOCIATESHIP	<i>Feb. 2004 - Feb. 2005</i> High Court of Australia Associate to the Hon. Justice W.M.C. Gummow AC
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PRIOR LEGAL EXPERIENCE	<i>Sept. 2006 - July 2010</i> Weil, Gotshal & Manges LLP, New York, NY <i>Feb. 2005 - Aug. 2005</i> Freehills, Sydney, NSW
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BAR ADMISSIONS	New South Wales New York State Southern District of New York Eastern District of New York
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AWARDS	Doyle's Leading Commercial Litigation & Dispute Resolution Junior Counsel: NSW and Australia - 2015, 2016, 2017, 2018, 2019
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RECOGNITION	Doyle's Leading Competition Law Barristers: Australia - 2015, 2016, 2017 (Preeminent), 2018 (Preeminent), 2019 (Preeminent) Doyle's Leading Insolvency & Restructuring Junior Counsel: NSW - 2019 P. Blashki Award 2010 (highest aggregate mark in NSW Bar Exams) Frank Knox Memorial Fellowship 2005 (Harvard)
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MEMBERSHIPS	New South Wales Bar Association
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PUBLICATIONS	R A Yezerski, "Renvoi Rejected? The meaning of the <i>lex loci delicti</i> after <i>Zhang</i> " (2004) 26 <i>Sydney Law Review</i> 273 J T Gleeson & R A Yezerski, "The Separation of Powers and the Unity of the Common Law" in J T Gleeson, J A Watson and R C A Higgins, <i>Historical Foundations of Australian Law</i> , Vol I (Federation Press, 2013)
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REPRESENTATIVE CASES <i>Competition, Regulatory and Cartel</i>	<i>Vodafone Hutchison Australia Pty Ltd v ACCC</i> , Federal Court of Australia, [2020] FCA 117 (acting for Vodafone, with P J Brereton SC, J Arnott and K Stellios) <i>APRA v Kelaher & Ors</i> [2019] FCA 1521 (acting for first respondent, with C R C Newlinds SC) <i>Qube Ports Pty Ltd v Port of Newcastle Operations Pty Limited</i> , Federal Court of Australia, NSD 1905 of 2019 (acting for Qube, with T Bannon SC and M Hodge QC) <i>ACCC v Google LLC</i> , Federal Court of Australia, NSD 1760 of 2019 (acting for Google LLC and Google Australia Pty Limited, with P J Brereton SC and S H Hartford-Davis) <i>ANZ Criminal Cartel Prosecution</i> (acting for an individual defendant with R Dick SC) <i>ACCC v Yazaki Corp</i> [2018] FCAFC 73 (acting for the ACCC with M O'Brien SC and D Tynan); also at first instance ([2017] FCA 465) and in successfully resising special leave application.
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Application by Tabcorp Holdings Ltd [2017] ACompT 1 (acting for Tabcorp with CA Moore SC, N De Young and A D'Arville)

ACCC v Air New Zealand Limited [2017] HCA 21 (with B W Walker SC and N J Owens SC); also at first instance ([2014] FCA 1157) and on appeal to the Full Court ([2016] FCAFC 42)

ACCC v Woolworths Limited [2016] FCA 1472 ('Mind the Gap' case) (acting for Woolworths with C A Moore SC)

ACCC v Cascade Coal [2018] FCA 1019 and on appeal [2019] FCAFC 154 (acting for the ACCC, with C A Moore SC and M O'Mearra)

ACCC v Virgin Australia Airlines, [2017] FCA 204 (with N J Young QC)

ACCC v Informed Sources, Federal Court of Australia, VID 450 of 2014 (acting for Woolworths Limited, with C A Moore SC) (matter settled)

Parmalat v VIP Packaging (2013) 210 FCR 1 (with G A Thompson SC and D P O'Brien)

Transport Workers' Union of New South Wales v NSW Taxi Industry Association, Industrial Relations Commission of NSW, No. IRC 811 of 2012 (for NSW TIA with I Taylor SC) (TWU application withdrawn)

ACCC v Metcash (2011) 282 ALR 464 (first instance) and (2011) 198 FCR 297 (Full Court) (with J E Griffith SC and C A Moore SC)

Technology Leasing Ltd v Bergia 2 Pty Ltd T/as A and A Smash Repairs [2011] FCA 284 (acting for the ACCC, with R J Wright SC)

Acting for the ACCC in various competition investigations, including by conducting s 155 examinations for the ACCC

Representing witnesses before the ACCC in s 155 examinations and voluntary witness interviews

Representative Proceedings / Class Actions

Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority trading as Seqwater (No 22) [2019] NSWSC 1657 (acting for plaintiff and group members in successful claim arising out of 2011 Brisbane floods, with J Sexton SC, N J Owens SC and J E Taylor instructed by Maurice Blackburn)

Williamson v Sydney Olympic Park Authority, Supreme Court of NSW Proceedings 2019/232749 (acting for plaintiff in class action concerning Opal Tower)

Kenquist Nominees Pty Ltd v Campbell, Federal Court of Australia, NSD 1364 of 2015 (acting for three director defendants, with G Rich SC)

Rivercity Motorway Finance Pty Limited (Administrators)

Appointed) (Receivers and Managers Appointed) v AECOM Australia Pty Ltd (No 2) [2014] FCA 713 (with R M Smith SC and M Elliott)

De Brett Seafood Pty Ltd v Qantas Airways Ltd, Federal Court of Australia, VID 12 of 2007 (acting for Air New Zealand, with R M Smith SC and N J Owens) (proceedings discontinued against Air New Zealand with costs)

*General Commercial,
Corporations and Insurance*

Deluxe Developments Pty Ltd (In Liq) v Downer EDI Engineering Pty Ltd [2017] NSWSC 895 (acting for Downer EDI, unled)

Australian Institute of Fitness Pty Ltd v Australian Institute of Fitness (Vic/Tas) Pty Ltd (No 3) [2015] NSWSC 1639 (with C R C Newlinds SC)

Jeffries v Indigienous Land Corporation [2015] NSWSC 1616 (with C R C Newlinds SC)

Stephen Hopkins & Anor v AECOM Australia Pty Ltd & Ors, Federal Court of Australia, NSD 757 of 2012 (acting for Leighton Contractors Pty Ltd in various proceedings with R M Smith SC and M R Elliott)

Catra Pty Limited v Viva Energy Australia Limited Proceedings, NSW Supreme Court Proceeding 2013/320090 (with I Jackman SC) (settled prior to hearing)

Sienkiewicz v Salisbury Group Pty Ltd (in liq) (No 2) [2015] FCA 147 (with G J Rich SC)

O'Brien v Bank of Western Australia Ltd [2013] NSWCA 71 (with B W Walker SC)

International Litigation Partners Pte Ltd v Chameleon Mining NL [2011] NSWCA 186 (with R A Dick SC)

Arena Management Pty Ltd (recs and mgr apptd) v Campbell Street Theatre Pty Ltd (2011) 80 NSWLR 652 (with S A Kerr SC)

Property and Equity

Bradcorp Wilton Park Pty Limited v Country Garden Wilton West Pty Ltd [2019] NSWSC 1407 (with M Darke SC)

Campbell v Campbell [2015] NSWSC 784 (with D Pritchard SC)

Sze Tu v Lowe [2014] NSWCA 462 (with T G R Parker SC)

The Owners - Strata Plan No 67246 v Oaks Hotels & Resorts (NSW) No 1 Pty Ltd [2013] NSWSC 1866 (with J Kirk SC)

Rix v Wells [2013] NSWSC 672 (with A P Coleman SC)

High Court

ACCC v Air New Zealand Limited [2017] HCA 21 (with B W Walker SC and N J Owens SC)

Attwells v Jackson Lalic Lawyers [2016] HCA 16 (with G O'L Reynolds SC, R C A Higgins and D W Robertson)

Fischer v Nemeske [2016] HCA 11 (with N C Hutley SC and A B Edington)

OC v The Queen [2016] HCATrans 26 (with J T Gleeson SC)

Miller v Miller (2011) 242 CLR 446 (with G M Watson SC and N J Owens)

Administrative and Public Law

Hewit v NSW State Coroner [2019] NSWSC 1401 (unled for Attorney General (NSW))

Li v Attorney-General (NSW) [2019] NSWCA 95 (unled for Attorney General (NSW))

Baker v Commonwealth of Australia (2012) 206 FCR 229 (with B W Walker SC and A W Street SC)

The Trust Company Limited v Valuer-General, NSW Supreme Court Proceeding 2011/412141 (with R A Dick SC) (settled during hearing)