



**SEBASTIAN HOWARD  
HARTFORD DAVIS**

*Barrister*

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hartforddavis@banco.net.au

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**AREAS OF PRACTICE**

General Commercial, Equity, Corporations, Common Law,  
Public Law.

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**PROFESSIONAL**

*2008-2010*

High Court of Australia, Associate to the Hon Robert French, Chief Justice of Australia

*2009-2017 (part-time)*

Part-time Lecturer: Contract Law (Australian National University, 2009; Macquarie University, 2010); Equity (Macquarie University, 2014); Constitutional Law (Sydney University, 2016; Macquarie University, 2017)

*2010-2011; 2013-2014*

Lawyer, Piper Alderman – Commercial Litigation

*2014-present*

Barrister

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**EDUCATION**

*2003-2008*

Bachelor of Laws (First Class Honours and University Medal) and Bachelor of Arts, Macquarie University

**Awards:** John Peden Memorial Prize for the Best Graduating Student in the LLB, 2008; University Medal in Law; Dean's Award for Outstanding Academic Achievement, 2008 and 2007; Law Society of New South Wales Prize for Sustained Academic Proficiency in Law Units and meritorious contribution to Macquarie Law School 2008 and 2007

**Prizes:** Litigation; Company Law; Equity and Trusts; Advanced Constitutional Law; Advanced Administrative Law; Constitutional Law; and the Macquarie Law Journal Student Essay prize

*2010-2011*

Menzies Foundation Scholar in Law.

*2011*

University of Oxford, Bachelor of Civil Law (Distinction), Keble College

*2012-2016*

University of Oxford – Doctor of Philosophy, New College. Thesis entitled: 'The Legal Personality of the Commonwealth of Australia'. Examined by the Hon Dyson Heydon AC QC and Prof John Finnis; supervised by Professor Joshua Getzler (St Hugh's College, Oxford)

## MAJOR PUBLICATIONS

S.H. Hartford Davis, "The Legal Personality of the Commonwealth of Australia" (2019) vol 47(1) *Federal Law Review* p.1

N.C. Hutley and S.H. Hartford Davis, "Climate Change and Directors' Duties" Memorandum of Opinion, 7 October 2016, published by the Centre for Policy Development

Supplementary Memorandum of Opinion, 26 March 2019, published by the Centre for Policy Development

## MAJOR APPEARANCES/MATTERS

Sebastian has experience in all NSW Courts, the Federal Court and the High Court of Australia.

## SELECTED CURRENT MATTERS

*Barangaroo Delivery Authority v Crown Sydney Property Pty Ltd*  
[NSW Court of Appeal]

Appearing for Crown Resorts Ltd as Respondent in a dispute with the NSW Government concerning the Barangaroo development.

Led by Neil Young QC and Kristina Stern SC; instructed by Ashurst

*Lottoland (Australia) Pty Ltd v Australian Communications and Media Authority*

[Supreme Court, Equity Division Expedition List]

Application for declaratory relief concerning the proper construction of the *Interactive Gambling Act 2001* (Cth)

Led by Hutley SC; instructed by Addisons

*CPB Contractors Pty Ltd v JKC Australia LNG Pty Ltd*

[ICC Arbitration, Singapore]

Construction dispute concerning Ichthys LNG onshore facility

Led by Pike SC and T. Breakspear; instructed by DLA Piper

*DSHE Holdings Ltd v Abboud & Ors*

[Supreme Court of NSW, Commercial List]

Directors duties proceedings concerning the collapse of Dick Smith

Led by Hutley SC and Farid Assaf SC; instructed by Allens Linklaters

*Kerr v Australian Executor Trustee (SA) Pty Ltd*

[Supreme Court of NSW, Commercial List]

Professional negligence claim against professional trustee company

Led by Sullivan QC and David Sulan; instructed by Piper Alderman

## SUPREME COURT OF NSW

*Crown Sydney Property Pty Ltd v Barangaroo Delivery Authority*  
[2018] NSWSC 1931

Appeared for Crown Resorts Ltd in a dispute with the Barangaroo Delivery Authority regarding sight lines from the Integrated Resort to the Harbour Bridge and Opera House.

Led by Neil Young QC and Kristina Stern SC; instructed by Ashurst

<i>Asbestos Injuries Compensation Fund Ltd ATF the Asbestos Injuries Compensation Fund</i> [2018] NSWSC 589	Final hearing: judicial advice, statutory construction (intervening on behalf of Allianz) Led by Toomey SC; instructed by Rankin Ellison
<i>SG v NSW Crime Commission</i> [2018] NSWSC 600	Interlocutory hearing (practice and procedure) Unled; instructed by Laxon Lex
<i>Commonwealth Steel Co Ltd v BHP Billiton Marine &amp; General Insurance Ltd</i> [2017] NSWSC 1445	Final hearing: insurance Led by Kelly SC; instructed by Rankin Ellison
<i>Application of Eurolinx Pty Ltd ATF the Colbert Security Trust</i> [2017] NSWSC 1306	Final hearing: judicial advice application Led by Needham SC; instructed by Brown Wright Stein
<i>Citigroup Global Markets Pty Ltd ATS Ong</i> [2017] NSWSC 969	Defence of claim concerning traded financial product Unled; instructed by Henry Davis York
<i>Re Kerr</i> [2017] NSWSC 358	Final hearing: Judicial advice application Led by Sullivan QC and Sulan; instructed by Piper Alderman
<i>Kerr v Australian Executor Trustee (SA) Pty Ltd</i> [2017] NSWSC 611	Judicial Advice application Led by Sullivan QC and David Sulan; instructed by Piper Alderman
<i>Remondis Australia Pty Ltd v Local Court of New South Wales</i> [2016] NSWSC 1649	Interlocutory: stay application Led by Mark Cahill; instructed by Sparke Helmore
<i>Deputy Commissioner of Taxation v Peter Sleiman Investments Pty Ltd ATF the Sleiman Family Trust</i> [2016] NSWSC 1657	Final hearing: Trusts, insolvency, voidable transactions Led by JC Kelly SC; instructed by David Legal
<i>SG v New South Wales Crime Commission</i> [2016] NSWSC 1615	Interlocutory – Abuse of process Led by Guy Parker SC; instructed by Laxon Lex
<i>Re Kupang Resources Ltd (Recs and Mgrs Apptd)</i> [2016] NSWSC 1895	Final hearing: Arrangements and reconstructions – Deed of company arrangement – transfer of shares

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Led by Withers; instructed by Squire Patton Boggs

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*Hardie Holdings Pty Ltd v State of New South Wales* [2016] NSWSC 58

Interlocutory: Pleadings  
Led by Kirk SC; instructed by Squire Patton Boggs

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*Rinehart v Nine Entertainment Holdings Ltd* [2015] NSWSC 239

Interlocutory: Preliminary discovery  
Led by Blackburn SC; instructed by Corrs Chambers Westgarth

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*Bayton Cleaning Co Pty Ltd v Woods* [2015] NSWSC 369

Interlocutory: Summary disposal  
Unled; instructed by Piper Alderman

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*Insurance Australia Ltd t/as NRMA Insurance v Parisi* [2014] NSWSC 1248

Final hearing: Judicial Review  
Led by McCarthy

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## NSW COURT OF APPEAL

*RMS v Desane Pty Ltd* [2018] NSWCA 196

Acting for the Roads Maritime Service in an appeal concerning administrative law and statutory interpretation  
Led by Hutley SC; instructed by the Crown Solicitors Office (NSW)

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*Commonwealth Steel Company Ltd v BHP Billiton Marine & General Insurance Ltd* [2018] NSWCA 242

Appeal – insurance policy  
Led by Kelly SC; instructed by Rankin Ellison

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*SG v New South Wales Crime Commission* [2017] NSWCA 107

Appeal – Abuse of process  
Led by Newlinds SC; instructed by Laxon Lex

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*Peter Sleiman Investments Pty Ltd ATF the Sleiman Family Trust v Deputy Commissioner of Taxation* [2017] NSWCA 81

Appeal: Trusts, insolvency, voidable transactions  
Led by JC Kelly SC; instructed by David Legal

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*Croucher v Cachia* [2016] NSWCA 132

Appeal: Trespass to person and battery  
Led by McCarthy; instructed by AC Lawyers

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*R v Tuala* (2015) 248 A Crim R 502

Appeal: sentencing appeal  
Led by Ben Clark

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## FEDERAL COURTS

*Money Max Int Pty Ltd ATF the Goldie Superannuation Fund v QBE Insurance Group Ltd* [Federal Court of Australia, Melbourne]

Appearing for Defendant in securities non-disclosure class action  
Instructed by Allens Linklaters

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<i>BCI Finances Pty Ltd (in liq) v Binetter &amp; Ors</i> [Federal Court of Australia, judgment reserved]	Final hearing: criminal contempt Led by Hutley SC; instructed by Brown Wright Stein
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<i>Tamaya Resources Ltd (in Liq) v Campbell-Wilson</i> (2016) 332 ALR 1991 [2016] FCAFC 2	Interlocutory: Pleadings Led by Hutley SC and Withers
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<i>Mullan &amp; Worrell</i> [2016] FamCA 943	Interlocutory: Jurisdictional challenge  Unled; instructed by Broun Abrahams Burreket
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<i>Tamaya Resources Ltd (in Liq) v Deloitte Touche Tohmatsu (a Firm)</i> [2015] FCA 1098	Interlocutory: Pleadings Led by Hutley SC and Withers; instructed by Squire Patton Boggs
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## LOCAL COURT OF NSW

<i>Better Mortgage Management Pty Ltd v Mortgage Asset Service Pty Ltd</i> [2017] NSWLC	Final hearing (4 days): Commercial dispute – mortgage managers.  Unled; instructed by Piper Alderman
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<i>Credit Corp Services Pty Limited v Marie Odtojan</i> [2016] NSWLC	Final hearing (2 days): credit card contract  Unled; instructed by Piper Alderman
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## COMMISSIONS OF INQUIRY

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (2018)	Appeared for ANZ Banking Group Ltd  Led by Matt Collins QC and Kate Williams SC; instructed by Ashurst
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