



DR SEBASTIAN HOWARD
HARTFORD DAVIS
Barrister

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AREAS OF PRACTICE

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

PROFESSIONAL

Barrister (Since 2014)

Lawyer, Piper Alderman - Commercial Litigation (2010 - 2011 and 2013 - 2014)

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

High Court of Australia, Associate to the Hon Robert French, Chief Justice of Australia (2008 - 2010)

LISTINGS

Recommended Junior Counsel, Doyles Guide to Leading NSW Commercial Litigation and Dispute Resolution barristers (2020)

Leading Junior Counsel, Doyles Guide to Leading Arbitration barristers, Australia Wide (2019 - 2020)

EDUCATION

Bachelor of Laws (First Class Honours and University Medal) and Bachelor of Arts, Macquarie University (2003 - 2008)

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

Menzies Foundation Scholar in Law (2011)

University of Oxford, Bachelor of Civil Law (Distinction), Keble College (2011)

Oxford Law Faculty Scholarship (2012)

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) (2012 - 2016)

MAJOR PUBLICATIONS	<p>S.H. Hartford Davis, "The Legal Personality of the Commonwealth of Australia" (2019) vol 47(1) <i>Federal Law Review</i> p.1</p> <p>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</p> <p>Supplementary Memorandum of Opinion, 26 March 2019, published by the Centre for Policy Development</p>	
MAJOR APPEARANCES/MATTERS	<p>Sebastian has experience in all NSW Courts, the Federal Court and the High Court of Australia.</p>	
SELECTED CURRENT MATTERS	<p><i>Barangaroo Delivery Authority v Crown Sydney Property Pty Ltd</i> [NSW Court of Appeal]</p>	<p>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</p>
	<p><i>ACCC v Google LLC</i> [Federal Court of Australia]</p>	<p>Appearing for Google in an action commenced by the ACCC concerning location data. Led by Mr Brereton SC and Mr Yezerski; instructed by Corrs</p>
	<p><i>Facebook Inc v Australian Information Commissioner</i> [Full Court of the Federal Court of Australia]</p>	<p>Appearing for Facebook Inc in appeal from a decision of the Federal Court, declining to set aside service and discharge leave to serve overseas Led by Mr Hutley SC; instructed by King & Wood Mallesons</p>
	<p><i>Doyle's Farm Produce Pty Ltd v Murray-Darling Basin Authority</i> [Supreme Court of NSW, General List]</p>	<p>Class action on behalf of NSW irrigators concerning the management of River Murray storages Led by Hutley SC; instructed by Banton Group</p>
	<p><i>DSHE Holdings Ltd v Abboud & Ors</i> [Supreme Court of NSW, Commercial List]</p>	<p>Directors duties proceedings concerning the collapse of Dick Smith Led by Hutley SC and Farid Assaf SC; instructed by Allens Linklaters</p>
	<p><i>MZAPC v Minister for Immigration and Border Protection & Anor</i> [High Court of Australia]</p>	<p>Appearing for the applicant in judicial review proceedings Led by Hooke SC</p>
COMMISSIONS OF INQUIRY	<p>Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (2018)</p>	<p>Appeared for ANZ Banking Group Ltd Led by Matt Collins QC and Kate Williams SC; instructed by Ashurst</p>

SUPREME COURT OF NSW	<i>China Insurance Group Finance Company Ltd v Kingston</i> [2020] NSWSC 1273	Application for freezing orders Unled; instructed by Ashurst
	<i>In the matter of Cromwell Corporation Limited</i> [2019] NSWSC 1608 [Supreme Court of NSW, Corporations List]	Dispute about access to company documents under the <i>Corporations Act 2001</i> (Cth) and general law. Led by Giles SC; instructed by Corrs Chambers Westgarth
	<i>Kerr v Australian Executor Trustee (SA) Pty Ltd</i> [2019] NSWSC 1279 [Supreme Court of NSW, Commercial List]	Negligence claim against professional trustee company Led by Sullivan QC and David Sulan; instructed by Piper Alderman
	<i>Lottoland (Australia) Pty Ltd v Australian Communications and Media Authority</i> [2019] NSWSC 1041 [Supreme Court, Equity Division Expedition List]	Application for declaratory relief concerning the proper construction of the <i>Interactive Gambling Act 2001</i> (Cth) Led by Hutley SC; instructed by Addisons
	<i>Crown Sydney Property Pty Ltd v Barangaroo Delivery Authority</i> [2018] NSWSC 1931 [Supreme Court of NSW, Commercial List]	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>Commonwealth Steel Co Ltd v BHP Billiton Marine & 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 Led by Withers; instructed by Squire Patton Boggs
<i>Hardie Holdings Pty Ltd v State of New South Wales</i> [2016] NSWSC 58	Interlocutory: Pleadings Led by Kirk SC; instructed by Squire Patton Boggs
<i>Rinehart v Nine Entertainment Holdings Ltd</i> [2015] NSWSC 239	Interlocutory: Preliminary discovery Led by Blackburn SC; instructed by Corrs Chambers Westgarth
<i>Bayton Cleaning Co Pty Ltd v Woods</i> [2015] NSWSC 369	Interlocutory: Summary disposal Unled; instructed by Piper Alderman
<i>Insurance Australia Ltd t/as NRMA Insurance v Parisi</i> [2014] NSWSC 1248	Final hearing: Judicial Review Led by McCarthy
NSW COURT OF APPEAL	
<i>RMS v Desane Pty Ltd</i> [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)
<i>Commonwealth Steel Company Ltd v BHP Billiton Marine & General Insurance Ltd</i> [2018] NSWCA 242	Appeal – insurance policy Led by Kelly SC; instructed by Rankin Ellison
<i>SG v New South Wales Crime Commission</i> [2017] NSWCA 107	Appeal – Abuse of process Led by Newlinds SC; instructed by Laxon Lex

	<i>Peter Sleiman Investments Pty Ltd ATF the Sleiman Family Trust v Deputy Commissioner of Taxation</i> [2017] NSWCA 81	Appeal: Trusts, insolvency, voidable transactions Led by JC Kelly SC; instructed by David Legal
	<i>Croucher v Cachia</i> [2016] NSWCA 132	Appeal: Trespass to person and battery Led by McCarthy; instructed by AC Lawyers
	<i>R v Tuala</i> (2015) 248 A Crim R 502	Appeal: sentencing appeal Led by Ben Clark
FEDERAL COURTS	<i>Australian Information Commissioner v Facebook Inc (No 2)</i> [2020] FCA 1307	Appearing for Facebook Inc in an application to set aside service and discharge leave to serve overseas Led by Mr Hutley SC; instructed by King & Wood Mallesons
	<i>Watton v Whitton</i> [reserved]	Trial before Farrel J in bankruptcy proceedings Unled; instructed by Piper Alderman
	<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
	<i>Mullan & Worrell</i> [2016] FamCA 943	Interlocutory: Jurisdictional challenge Unled; instructed by Broun Abrahams Burreket
	<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
INTERSTATE COURTS	<i>Lottoland (Australia) Pty Ltd v Minister for Racing, Gaming and Licensing & Anor</i> [2020] NTSC 65	Application for interlocutory injunction. (leading Mr D Reynolds; instructed by Addisons)
LAND & ENVIRONMENT COURT	<i>Chief Executive of the Office of Environment and Heritage v Grant Wesley Turnbull (No 4)</i> [2020] NSWLEC 124 [Class 5]	Appearing for Prosecutor in pre-trial application for a stay of proceedings based upon "adversarial principle" Led by Tom Howard SC
	<i>Chief Executive, Office of Environment and Heritage v Grant Turnbull (No 3)</i> [2019] NSWLEC 165 [Class 5]	Appearing for Prosecutor in pre-trial applications Led by Tom Howard SC
LOCAL COURT	<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

Credit Corp Services Pty Limited v Marie Odtojan Final hearing (2 days): credit card
[2016] NSWLC contract
Unled; instructed by Piper Alderman

October 2020