



**ANAIS  
D'ARVILLE**  
Barrister

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**AREAS OF PRACTICE** Competition, General Commercial, Sports Law, Equity, 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, NSW Supreme Court

**EDUCATION** Bachelor of Laws (First Class Honours) and Bachelor of Economics, Australian National University, 2003  
EAP Exchange Program, University of California – Berkeley, USA, 2002

**MEMBERSHIPS AND OTHER ACTIVITIES** 2019 – Present: Member of FIBA Appeals Panel  
2017 – Present: Member of NBL/WNBL Tribunals, 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, 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 the High Court of Australia, 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.

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

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 National Pty Limited</i> [2020] FCAFC 77; [2020] HCATrans 213	Final Hearing and Appeal: Competition allegations re: proposed merger <i>With CA Moore SC, DJ Roche and D Forrester</i>

	<i>ACCC v Ramsay Health Care Australia Pty Limited</i> [2020] FCA 308	Final Hearing: Misuse of Market Power and Exclusive Dealing  <i>With NC Hutley SC and RCA Higgins SC</i>
	<i>Prysmian Cavi E Sistemi S.R.L. v ACCC</i> [2018] FCAFC 30	Appeal: Cartel arrangement or understanding  <i>With CA Moore SC</i>
	<i>ACCC v Australian Competition Tribunal</i> [2017] FCAFC 150	Final Hearing: Judicial review of merger authorisation  <i>With CA Moore SC, N de Young and B Lim</i>
	<i>Application by Tabcorp Holdings Ltd</i> [2017] ACompT 1; [2017] ACompT 5	Final Hearing: Merger authorisation application  <i>With CA Moore SC, N de Young and R Yezerski</i>
	<i>Application by Sea Swift Pty Limited</i> [2016] ACompT 9	Final Hearing: Merger authorisation application  <i>With N Young QC and R Orr QC</i>
GENERAL COMMERCIAL / EQUITY	<i>Coates Hire Operations Pty Ltd ACN 074 126 971 v Robert Hardy</i> , District Court of NSW, No 2019/83346, 24 August 2021	Final Hearing: Guarantee and claims under <i>Contracts Review Act</i>  <i>Unled</i>
	<i>Hakea Holdings Pty Ltd v McGrath</i> [2021] FCA 660	Application to re-open  <i>With C Withers SC</i>
	<i>Blackmores Ltd v Jestins Enterprises Pty Ltd</i> [2020] NSWSC 1177	Final Hearing: Contract, Misleading and Deceptive Conduct  <i>Unled</i>
	<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  <i>Unled at first instance; With I Pike SC on appeal</i>
	<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 on appeal; With M E 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 &amp; 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) 107 ACSR 146; [2015] NSWSC 980; (No 2) [2015] NSWSC 981; (No 3) [2015] NSWSC 982</i>	Interlocutory injunction: Breach of directors’ duties and injunction  <i>Unled</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>In the matter of Festival Corp Pty Ltd</i> [2020] NSWSC 1426	Application for interlocutory injunction and production of documents  <i>With A P Coleman SC</i>
	<i>Ritossa &amp; Anor v Rutland &amp; Anor</i> [2019] FCCA 1219	Application for a sequestration order  <i>Unled</i>

	<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 (No 3)</i> [2020] FCA 1687	Final Hearing: Defamation <i>With T D Blackburn SC</i>
	<i>Cummings v Fairfax Digital Australia &amp; 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 &amp; Anor</i> [2019] FCCA 1861; [2020] FCAFC 73	Final Hearing and Appeal: Migration <i>Unled</i>
	<i>BIR17 v Minister for Immigration &amp; 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 &amp; Anor</i> [2014] FCCA 1483	Final Hearing: Migration <i>Unled</i>

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**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 presided/appeared.

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**AS TRIBUNAL MEMBER**

FIBA Appeals Panel

Disputes involving international transfers of youth players

Dispute involving extension of sanctions in relation to insolvent club

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NBL Tribunal / Basketball Australia Hearing Panel

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

Disciplinary proceedings in respect of code of conduct breaches related to gambling

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**AS ADVOCATE**

Australian Olympic Committee Appeal Tribunal

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

*Unled*

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AFL Appeals Board

Appeared for player in respect of AFL Appeal of length of suspension relating to contact with an umpire

*With B Ihle QC*

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NEAFL Tribunal

Appeared as disciplinary counsel for the NEAFL

*Unled*

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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*

Advised NRL Player in relation anti-doping violation

*With B Ihle QC*

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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*

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