



DARRELL BARNETT
Barrister

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ADMISSIONS

2007 Barrister (NSW)
2004 Solicitor (NSW)

QUALIFICATIONS

LLM, University of Sydney
LLB, BSC, Waikato University, New Zealand

PRACTICE AREAS

Appeals	Equity & Trusts
Commercial	Family Law
Constitutional law	Property
Corporations & Insolvency	

PRIOR EXPERIENCE

2002 - 07 Solicitor, Freehills (now Herbert Smith Freehills)
2001 Associate to the Hon Justice Gummow, High Court of Australia

Academic

2002 - 2007 Lecturer, Constitutional Law (UNSW)
2008 - 2014 Lecturer, Judicial Power (USyd, LLM)

SELECT RECENT CASES

Unled Appeals

White Rock Wind Farm Pty Ltd v Dulhunty & Ors – appeal heard on 14 June 2024 before the NSW Court of Appeal (Ward P, Adamson JA, Griffiths AJA), leading P Abdiel, currently reserved. The appeal concerns a large windfarm operation in NSW.

Keybridge Capital Ltd v WAM Active Ltd (2021) 105 NSWLR 278; [2021] NSWCA 203 (Bathurst CJ, White JA and Emmett AJA) – appeal, leading T Rogan, regarding the construction and operation of s650F of the Corporations Act (see also at first instance before Ward CJ in Eq (as her Honour then was), [2020] NSWSC 1917).

Qantas Airways Ltd v Rohrlach (2021) 304 IR 218; [2021] NSWCA 48 (Bathurst CJ, Bell P and Brereton JA) – appeal regarding stay of proceedings under exclusive jurisdiction clause.

Joseph v Parnell Corporate Services Pty Ltd (2021) 284 FCR 546; [2021] FCAFC 67 (Logan, Katzman and Snaden JJ) – appeal, leading D Allen, regarding unfair dismissal, Fair Work contraventions and cross-claim for damages for breaches of duty.

Trials and other hearings

Perpetual Corporate Trust Ltd v Owners Corporation SP6534 [2024] NSWSC – two week trial before Elkaim AJ, leading H Robinson, concerning the operation of the unjust, harsh, unconscionable or oppressive by-law provisions of the Strata Scheme Management Act.

Grocon Group Holdings Pty Limited v Infrastructure NSW (No 2) [2023] NSWSC 1144, (No 3) [2023] NSWSC 1352 and (No. 4) [2023] NSWSC 1545 – series of applications before Ball J, leading S Murray, regarding establishing legal professional privilege and issue waiver.

Global Risk Alliance Group Services & Anor v Harmer & Ors [2024] NSWSC 79 – three week trial before Nixon J, leading B Haines, regarding diversion of corporate opportunities and breaches of contractual, tortious and fiduciary duties.

ASIC v Lanterne Fund Services Pty Limited [2024] FCA 353 – penalty hearing before McEvoy J in respect of civil penalty contraventions.

In the matter of Aboriginal Community Benefit Fund Pty Ltd (in liq) [2022] NSWSC 1784 – applications before Black J for appointment of special purpose liquidators in respect of certain Funeral Funds.

In the matter of 3Q Holdings Limited [2022] FCA 1259 and (No 2) [2022] FCA 1359 – scheme of arrangement before Cheeseman J, leading S Scott.

Haselhurst v Toyota Motor Corporation Australia Limited [2022] NSWSC 1076 – application before Rees J, leading R May, for approval of significant class action settlement.

Re Xplore Wealth Ltd (No 2) [2021] FCA 166 – scheme of arrangement before Markovic J, leading R Jameson.

Re Jimmy's Recipe Pty Ltd (No 2) [2020] NSWSC 632 – trial before Leeming JA sitting at first instance, leading W Chan, regarding construction of settlement deed and claims for rectification, mistake and estoppel.

Select Recent Led Matters

Jennings v Jaguar Land Rover Australia Pty Ltd [2024] FCAFC 62 – successful application for leave to appeal and appeal from determination of carriage dispute on the basis of denial of procedural fairness, led by C Moore SC.

Mawhinney v ASIC (2022) 294 FCR 375 ; *Mayfair v ASIC* (2022) 295 FCR 106 – appeals heard over five days before the Full Federal Court (Jagot, O'Bryan and Cheeseman JJ) regarding misleading and deceptive conduct by

the Mayfair 101 group of companies and related injunctive orders, led by T Sullivan QC (as his Honour then was) for ASIC.

Mawhinney v ASIC and *Mayfair v ASIC* (Gageler, Steward, Gleeson JJ) – special leave applications in the above cases, led by J Gleeson SC.

PUBLICATIONS

“The Commonwealth: A Multitude of Manifestations – Federal Jurisdiction Under s75(iii) of the Constitution” (2007) 81 ALJ 195.

“The Corporations Power and Federalism: Key Aspects of the Constitutional Validity of the Work Choices Act” (2006) 29 UNSW Law Journal 91.

“Resettlement: Finding the New Charter of Rights” (2006) 80 ALJ 254.

“Statutory Corporations and ‘the Crown’” (2005) UNSW Law Journal 186, cited by the High Court in *McNamara (McGrath) v Consumer Trader and Tenancy Tribunal* (2005) 221 CLR 646 at [34] and by Gordon and Gleeson JJ in *Chief Executive Officer, Aboriginal Areas Protection Authority v Director of National Parks* [2024] HCA 16 at [105].

“The Nature of a Beneficiary’s Interest in the Assets of an Express Trust” (2004) 10 APLJ 169.