



TIM ROGAN

Barrister

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PRACTICE

Tim was called to the bar in 2019 and admitted to practice in 2008.

He accepts briefs in all areas of law, but principally practises in competition and regulation, commercial law, corporations and insolvency, equity and appellate.

**PROFESSIONAL
EXPERIENCE**

Since 2019 - Barrister, NSW Bar

2013 – 2018 - Lecturer in History, St. Catharine’s College, University of Cambridge

2007 – 2008 - Articled Clerk, Minter Ellison

QUALIFICATIONS

PhD, MPhil University of Cambridge, 2013

BA/LLB (First Class Honours) University of Melbourne, 2006

**SELECTED
PUBLICATIONS**

‘Review Essay: Futures of Antitrust’ (2021) 43(3) *Sydney Law Review* 419-431.

‘Review Essay’ [Del Mar and Lobban, eds., *Law in Theory and History* (Hart, 2016)], (2018) 77(1) *Cambridge Law Journal* 220-23.

The Moral Economists (Princeton University Press, 2017).

SELECTED MATTERS

Unled

Washburn Pty Ltd v Cardaci [2022] WASCA 15
Application for stay of enforcement of order pending appeal
Unled (Bennett)

D H Global Pty Ltd v MAP Capital (Supreme Court of NSW– ongoing)
Breach of contract, debt
Unled (Mills & Oakley)

Sergienko v AXL Financial Ltd [2021] NSWSC 297
Equity – breach of trust, priorities
Unled (Citilawyers)

Saade v Rahme (Supreme Court of NSW – ongoing)
Breach of contract
Unled (Bartier Perry)

Altitude Property Ltd Ltd v Goldengrove Pty Ltd (District Court of NSW - ongoing)
Breach of contract
Unled (Small Myers Hughes)

FIIG Securities Ltd v Pioneer Credit Ltd (District Court of NSW – ongoing)
Breach of contract, quantum meruit
Unled (Bennett)

Lowy v Benjamin (District Court of NSW; 2019/00047298)
Contract, promissory estoppel (judgment unpublished; available on request)
Unled (De Mestre & Co)

Re Spitfire Q Pty Ltd [2021] NSWSC 866
Reinstatement and winding up application
Unled (Mills & Oakley)

Appeals

Cardaci v Cardaci (WA Court of Appeal)
Equity - removal of trustee and executor (reserved).
Led by N C Hutley SC (Bennett)

ACCC v NSW Ports Operations Hold Co Pty Ltd (FCAFC)
Competition - alleged contravention of CCA s 45 (reserved)
Led by N C Hutley SC, R C A Higgins SC and B K Lim (Gilbert + Tobin)

Hancock v Hancock Prospecting Pty Ltd [2022] NSWCA 152
Commercial arbitration – application for leave to appeal from decision dismissing challenge under s 13(5) of the *Commercial Arbitration Act 2012* (WA)
Led by D Thomas SC and D Hume

Enares Pty Ltd v Nimble Ltd (FCAFC)
Application to inspect documents under s 247A (reserved)
Led by F Roughley (Gilbert + Tobin)

ACCC v J Hutchison Pty Ltd (FCAFC; QUD 335/2022)
Competition – contravention of s 45E and s 45EA (ongoing)
Led by RCA Higgins SC

Q v E Co [2020] NSWCA 220
Equity - proprietary estoppel
Led by N C Hutley SC and B Lloyd (Armstrong Law Partners)

Keybridge Capital Ltd v WAM Active Ltd [2021] NSWCA 203
Corporations - takeovers; statutory construction
Led by D Barnett (Mont Lawyers)

IWC Industries Pty Ltd v Sergei Sergienko [2021] NSWCA 292
Equity – breach of trust, priorities
Led by F Corsaro SC (Citilawyers)

**Competition &
Regulation**

Telstra Corporation Ltd and TPG Telecom Ltd – review of ACCC merger authorisation determination (Australian Competition Tribunal) (ongoing)
Competition – review of determination refusing merger authorisation
Led by C Moore SC and B K Lim for Singtel Optus Pty Ltd (Herbert Smith Freehills)

ACCC v NSW Ports Operations Hold Co Pty Ltd [2021] FCA 720
Competition - alleged contravention of s 45 CCA in connection with port privatisation.
Led by N C Hutley SC, R C A Higgins SC and B K Lim for NSW Ports (Gilbert + Tobin)

ACCC v J Hutchinson Pty Ltd [2022] FCA 98
Competition – alleged contravention of ss 45E, 45EA CCA
Led by R C A Higgins SC and M Trim for Hutchinson (Gadens)

Truck Tech Group Pty Ltd v United Safety (Federal Court of Australia; NSD 1386 of 2020)
Competition - alleged contravention of s 46 CCA (settled).
Led by D Roche for the Respondent (Moray Agnew)

Perth Airport Pty Ltd v Qantas Airways Ltd [2022] WASC 51
Restitution
Led by J Sheahan QC, B Kremer and E Heenan for Qantas (Minter Ellison)

Lottoland Australia Pty Ltd v ACMA (2019) 100 NSWLR 328
Regulation – *Interactive Gambling Act 2001* (Cth)
Led by N C Hutley SC and S H Hartford Davis for Lottoland (Addisons)

Class Actions

Doyle's Farm Produce Pty Ltd v MDBA (Supreme Court of NSW)
Class action on behalf of NSW irrigators (ongoing)
Led by N C Hutley SC, D R Sulan SC and S H Hartford Davis (Banton Group)

Confidential Client

Tort and misleading and deceptive conduct (ongoing)

Led by C Withers SC and D Barnett (Corrs Chambers Westgarth)

Forge Group Ltd (in liq) v Hutchinson and Ors (Supreme Court of NSW)

Directors duties (settled)

Led by C Withers SC and A Hochroth (Banton Group)

Arbitration

Hancock and Rinehart v Hancock Prospecting Pty Ltd and Ors (Arbitration under *Commercial Arbitration Act 2012* (WA))

Breach of trust, breach of fiduciary duties

Led by C Withers SC, A Hochroth (YPOL)

Hancock v Hancock Prospecting Pty Ltd [2022] NSWSC 152

Challenge to appointment of arbitrator under s 13(5) *Commercial Arbitration Act 2012* (WA)

**Commercial /
Corporations**

AAL Aviation Limited v Perth Airport Pty Ltd (Federal Court of Australia)

Contract, leasing dispute (ongoing)

Led by B Kremer (Minter Ellison)

Lakomy v Accounting TEK Pty Ltd [2021] NSWSC 1152

Contract; misleading and deceptive conduct.

Led by D R Sulan SC (Armour Allen Lawyers)

Hoho Property Ltd Ltd v Bass Finance No 37 Pty Ltd (Supreme Court of NSW; 2021/1477702)

Contracts, unconscionable conduct (ongoing)

Led by CRC Newlinds SC (Maddocks)

Enares Pty Ltd v Nimble Ltd [2021] FCA 1616

Application to inspect documents under s 247A

Led by F Roughley (Gilbert + Tobin)

In the matter of Western Port Holdings Pty Ltd [2021] NSWSC 232; 358 FLR 45

Insolvency - voidable transactions during DOCA period.

Led by F Assaf SC (Nelson McKinnon)

Tayeh v Commonwealth of Australia; in re First Fleet Pty Ltd [2020] FCA 1323

Validity of appointment and business of committee of inspection.

Led by R C A Higgins SC (Craddock Murray Neumann)

Wet Fix Holdings Pty Ltd v Gillion Pty Ltd [2021] FCA 67

Breach of contract.

Led by E A Hyde (BT Lawyers)

Keybridge Capital Ltd v WAM Active Ltd [2020] NSWSC 1917

Takeovers, compliance with Corporations Act ch 6

Led by D Barnett (Mont Lawyers)

Re Sandon Capital Investments Limited [2019] NSWSC 1512

Irregularities in conditional off-market takeover bid.

Led by C Tam (Watson Mangioni)

Alexiou v ANZ Ltd [2020] FCA 1777; (2020) 303 IR 35

Retrospective operation of Corporations Act Part 9.4AAA.

Led by B Walker SC, N Kidd SC and J Williams (Levitt Robinson)

Equity / Trusts

Cardaci v Cardaci [2022] WASC 166

Application for judicial advice under s 92 of the Trustee Act 1961 (WA)

Led by A Bannon SC for the contradictor (Bennett)

Atomic Search Pty Ltd v Dooris (Supreme Court of NSW; 2019/287105)

Breach of confidence, breach of contract (settled)

Led by A T S Dawson SC (Hilliard & Berry Solicitors)

Re Motor Trades Association of Australia Superannuation Fund Pty Ltd atf Spirit Super [2021] NSWSC 1672

Trusts/superannuation – judicial advice

Led by H K Insall SC (Allens)

Re United Super Pty Ltd atf CBUS [2021] NSWSC 1679

Trusts/superannuation – judicial advice

Led by H K Insall SC (Allens)

Re Maritime Super Pty Ltd atf Maritime Super [2021] NSWSC 1614

Trusts/superannuation – judicial advice

Led by H K Insall SC (Allens)

Re LGSS Pty Ltd atf Local Government Super [2021] NSWSC 1613

Trusts/superannuation – judicial advice

Led by H K Insall SC (Allens)

Elite Realty Development Pty Ltd v Sadek (Supreme Court of NSW; 2020/114103)

Breach of fiduciary duty; duress (ongoing)
Led by F Corsaro SC (Eden King Lawyers)

iQ Group Global Ltd v ADS Capital Pty Ltd (Supreme Court of NSW; 2002/317665)
Breach of confidence (settled)
Led by J S Emmett SC (Minter Ellison)

Interlocutory

Blue Mirror Pty Ltd v Pegasus Australia Developments Pty Ltd [2021] NSWSC 961
Equity - freezing orders; joinder.
Led by F Corsaro SC (Citilawyers)

Hoho Property Pty Ltd v Bass Finance No 37 Pty Ltd [2021] NSWSC 1289
Equity – interim injunction
Led by CRC Newlinds SC (Maddocks)

Fuji Xerox Australia Ltd v Patel [2021] NSWDC 527
Disclosure of documents.
Unled (direct access)

Young v Racing NSW [2019] NSWDC 662
Summary dismissal.
Led by A T S Dawson SC (YPOL)

Melbourne Used Vehicles Pty Ltd v Cars & Co Pty Ltd [2019] NSWDC 698
Application to set aside default judgment.
Unled (Citilawyers)