



**TIM ROGAN**

*Barrister*

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**PRACTICE**

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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 market regulation, commercial law, equity and trusts, and appeals.

**EXPERIENCE**

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<b>Since 2019</b>	Barrister, Banco Chambers
<b>2013 – 2018</b>	Lecturer in History, University of Cambridge
<b>2007 - 2008</b>	Articled Clerk, Minter Ellison

**QUALIFICATIONS**

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<b>2013</b>	PhD, MPhil University of Cambridge
<b>2006</b>	BA/LLB (First Class Honours) University of Melbourne

**SELECTED MATTERS**

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*Appeals - High Court of Australia*

*Williams v Toyota Motor Corporation Australia Pty Ltd* (judgment reserved) - Consumer protection – damages under Australian Consumer Law s 271/272.

Led by J T Gleeson SC and P Meagher (Gilbert + Tobin)

*Washburn Pty Ltd v Cardaci* [2024] HCASL 136 - Trusts – removal of trustee and indemnities.

Led by N C Hutley SC (Bennett)

*Goldsmith v Stinson* [2023] HCASL 112 - Family law – excess of judicial power.

Led by CRC Newlinds SC

*ACCC v J Hutchison Pty Ltd* (Application for special leave pending) - Competition – contravention of s 45E and s 45EA.

Led by RCA Higgins SC and B Lim (Gadens)

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***Full Court of the Federal Court of Australia***

*Harvard Nominees Pty Ltd v Nicoletti* [2022] FCAFC 179 - Misleading and deceptive conduct.  
Led by CRC Newlinds SC (Hotchkin Hanly)

*ACCC v NSW Ports Operations Hold Co Pty Ltd* [2023] FCAFC 16 - Competition - alleged contravention of CCA s 45.  
Led by N C Hutley SC, R C A Higgins SC and B K Lim (Gilbert + Tobin)

*Enares Pty Ltd v Nimble Ltd* [2022] FCAFC 126 - Application to inspect documents under s 247A.  
Led by F Roughley SC (Gilbert + Tobin)

***NSW Court of Appeal***

*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 (YPOL)

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

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

***WA Court of Appeal***

*Cardaci v Cardaci* - Equity - removal of trustee and executor (reserved).  
Led by N C Hutley SC (Bennett & Co)

***Competition & Regulation***

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*ANZ Ltd and Suncorp Group Ltd – review of ACCC merger authorisation determination* (Australian Competition Tribunal) - Competition – review of determination refusing merger authorisation.  
Led by C Moore SC and P Strickland for Suncorp (Herbert Smith Freehills)

*Applications by Telstra Corporation Ltd and TPG Telecom Ltd* [2023] AComptT 2 - Competition – review of determination refusing merger authorisation.  
Led by C Moore SC and B K Lim for Optus (Herbert Smith Freehills)

*Mayfield Development Corporation Pty Ltd v NSW Ports Operations Hold Co Pty Ltd* [2024] FCA 538 - Competition – alleged contravention of s 45 CCA.  
Led by R C A Higgins SC and B K Lim for NSW Ports (Gilbert + Tobin)

*ACCC v NSW Ports Operations Hold Co Pty Ltd* [2021] FCA 720 - Competition - alleged contravention of s 45 CCA.  
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)

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*Free TV Pty Ltd v Phonographic Performance Company of Australia Pty Ltd* (Australian Copyright Tribunal)

Copyright – reasonable licence fee.

Led by R Cobden SC and F Roughley SC, with M Evatts

*Truck Tech Group Pty Ltd v United Safety* (Federal Court of Australia) -Competition - alleged contravention of s 46 CCA (settled).

Led by D Roche SC for the Respondent (Moray Agnew)

*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)

### ***Unled***

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*Sergienko v AXL Financial Ltd* [2021] NSWSC 297 Equity – breach of trust, priorities - Unled, against silk (Coles QC)

*Washburn Pty Ltd v Cardaci* [2022] WASCA 15 - Application for stay of enforcement of orders of primary judge - Unled (Bennett)

*Gilmore v Patrick* [2022] FedCFamC1F 1015 - Applications concerning subpoenas - Unled (Pearson Emerson)

*Venter v Venter (No 3)* [2022] FedCFamC1F 278 - Financial proceedings under s 79 Family Law Act - summary dismissal - Unled (Pearson Emerson)

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

*Sentinel Wealth Management Pty Ltd v Miller* (District Court of NSW – settled) - Breach of contract - Unled (Morris Mennilli)

*Jones v Bertuleit* (District Court of NSW) - Breach of contract, proprietary estoppel - Unled (Dentons)

*AAR Baldwin Nominees Pty Ltd v Baldwin* (Supreme Court of NSW - settled) - Action in debt against beneficiary of discretionary trust - Unled (Bartier Perry)

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

*Patel v Fuji Xerox Australia Ltd* (District Court of NSW -settled) - Contracts, unconscionable conduct, unfair terms – Unled

### ***Class Actions***

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*Holt v Mitsubishi Motors Corporation Australia Pty Ltd* (Federal Court of Australia) - Contraventions of ACL s 54 in supply of cars.

Led by R C A Higgins SC and D Roche SC for the defendants (Thomson Geer)

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*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 for the plaintiffs (Banton Group)

*Confidential Client* - Contraventions of CCA in supply of digital advertising services - Class action on behalf of Australian publishers.

Led by John Sheahan QC for the plaintiffs (Maurice Blackburn)

*Confidential Client* - Contraventions of ACL in supply of building products.

Led by F T Roughley SC for the plaintiffs (Baker McKenzie)

*Confidential Client* - Contraventions of ACL in supply of cars.

Led by M Hodge KC and C Winnett for the plaintiffs (Gilbert + Tobin)

### ***Commercial and Corporations***

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*PNR International Pty Ltd v CII Group Pty Ltd* (Supreme Court of NSW) - Specific performance, oppression, winding up (ongoing).

Led by R Dick SC (King & Wood Mallesons)

*Re Alita Resources Ltd* (Supreme Court of Western Australia) - Applications concerning external administration – interim restraints (settled).

Led by D Sulan SC (Clifford Chance)

*Hoho Property Ltd v Bass Finance No 37 Pty Ltd* [2023] NSWSC 411 - Contracts, unconscionable conduct.

Led by CRC Newlinds SC (Maddocks)

*AMHC Inc v ASIC* [2022] FCA 896 – Reinstatement.

Led by A J Bannon SC (Minter Ellison)

*AAL Aviation Limited v Perth Airport Pty Ltd* (Federal Court of Australia) - Contract, leasing dispute (settled).

Led by B Kremer SC (Minter Ellison)

*Lakomy v Accounting TEK Pty Ltd* [2021] NSWSC 1152 - Contract; misleading and deceptive conduct.

Led by D R Sulan SC (Armour Allen)

*Enares Pty Ltd v Nimble Ltd* [2021] FCA 1616 - Application to inspect documents under s 247A.

Led by F Roughley SC (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)

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*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)

*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

*Centuria Bass Financial Services Limited & Golden Capital Commercial Logistics Pty Ltd ats Ying Zhou and Jingui Xu* (Supreme Court of New South Wales) - Relief against forfeiture (settled).  
Led by M Izzo SC (Gadens)

### ***Equity & Trusts***

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*Cardaci v Cardaci* [2022] WASC 166 - Application for judicial advice under s 92 of the *Trustee Act 1961* (WA).  
Led by A J Bannon SC for the contradictor (Bennett)

*Kanjian as administrator of the estate of George Thomassian v Thomassian* (NSWSC) - Breach of fiduciary duty, restitution.  
Led by R Dick SC (Kanjian & Co)

*Atomic Search Pty Ltd v Dooris* (Supreme Court of NSW) - 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* [2022] NSWSC 1333 - Breach of fiduciary duty; duress.  
Led by F Corsaro SC (Eden King Lawyers)

*iQ Group Global Ltd v ADS Capital Pty Ltd* (Supreme Court of NSW) - Breach of confidence (settled).  
Led by J S Emmett SC (Minter Ellison)

### ***Family Law***

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*Venter v Venter (No 5)* [2023] FedCFamC1F 635 - Third party joinder to s 79 proceedings.  
Led by D Roche SC (Pearson Emerson)

*S v S* (FCFCOA Div 1) - Financial proceedings involving complex trusts issues.  
Led by R McHugh SC (York Law)

*W v W* (FCFCOA Div 1) - Financial proceedings involving complex trusts issues.  
Led by G Richardson SC (Taussig Cherie Fields)

*B v W* (FCFCOA Div 1) - Financial proceedings.  
Led by G Richardson SC (Marsdens)

*G v G* (FCFCOA Div 1) - Financial proceedings involving validity of appointment of litigation guardian.  
Led by Greg Sirtes SC (McLachlan Thorpe Partners)

*B v B* (FCFCOA Div 1) - Financial proceedings involving complex trusts issues.  
Led by Michael Kearney SC (Pearson Emerson)

### ***Arbitration***

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*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)

### **PUBLICATIONS**

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‘Uses Rights to Water in the Murray Darling Basin’, *Bar News* (Special Edition – Climate Change and the Law), Winter 2023 p. 44-45

‘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).