

Anais d'Arville

Banco Chambers
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AREAS OF PRACTICE

General Commercial, Competition, Equity, Sports Law, 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, Supreme Court of New South Wales
2002 – 2003	Research assistant to Professor Robin Creyke, ANU
2001 – 2004	Law clerk, Tetlow Jansen & Doyle solicitors, Canberra

EDUCATION

1999 – 2003	Bachelor of Laws (First Class Honours) and Bachelor of Economics, Australian National University (<i>ANU Honours Scholarship, 2003, Butterworths Prize for Restitution, 2003, BC Meagher Prize for Commonwealth Constitutional Law, 2001, David J Teece-Austlea Scholarship in Law and Economics, 2001</i>)
2002	University of California – Berkeley, USA, EAP exchange program

MEMBERSHIPS AND OTHER ACTIVITIES

2019 – present	Member of FIBA Appeals Panel
2017 – present	Member of NBL Tribunal
2017 – present	Substitute Member of FIVB Tribunal
2016 – present	Member of Australian and New Zealand Sports Law Association
2012 – 2017	Downing Centre Duty Barrister Scheme
2012 – 2014	Offshore Asylum Support Project (PILCH)
2008 – 2012	Asylum Support Appeals Project (UK), volunteer duty solicitor, Duty solicitor, Citizens Advice Bureau, Royal Courts of Justice
2005 – 2008	Downing Centre Duty Solicitor Scheme

RECENT SELECTED CASES

Anais has experience in all NSW Courts, the Federal Court and Federal Circuit Court, the Victorian and West Australian Supreme Courts, NCAT and other specialist tribunals, including various sporting tribunals and the Australian Competition Tribunal. He has also appeared in the High Court of Fiji.

Anais has experience in arbitrations and expert determinations relating to infrastructure and resources.

The following are some of proceedings in which Anais has appeared. A more comprehensive list is available on request

Competition	
<i>ACCC v Pacific National Pty Limited (No 2)</i> [2019] FCA 669	Final Hearing: Competition allegations in respect of proposed merger <i>With CA Moore SC and DJ Roche</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 Yeżerski</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>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 (leading M Hall at first instance)</i>
<i>Commissioner of the Australian Federal Police v Pharmacy Depot Hurstville Pty Ltd</i> [2018] NSWSC 1284	Interlocutory: Whether separate questions should be ordered <i>Unled</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 & 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>Two Italian Boys Holdings Pty Ltd v The Winery Pty Ltd</i> [2016] NSWSC 1163; [2017] NSWSC 67	Interlocutory: Security for Costs <i>Unled</i>
<i>Keith v M & M Building Pty Ltd</i> [2016] NSWCATCD 43; [2017] NSWCATAP 88	Final Hearing and Appeal: Home Building work - breach and termination of Contract <i>Unled</i>
<i>Re Ikon Group Ltd</i> (2015) 107 ACSR 146; [2015] NSWSC 980; <i>(No 2)</i> [2015] NSWSC 981; <i>(No 3)</i> [2015] NSWSC 982	Interlocutory injunction: Breach of directors' duties and injunction <i>Unled</i>
<i>HP Mercantile Pty Ltd v Clements</i> [2014] NSWSC 509; [2015] NSWCA 212	Final Hearing and Appeal: Contract – Claim under Loan Agreement <i>With CRC Newlinds SC</i>
<i>William John Groves v Matt O'Connor & Associates Pty Ltd</i> [2015] NSWSC 664 and [2015] NSWSC 817	Final Hearing: Contract, Settlement Deed; Indemnity Costs <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>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; <i>(No. 2)</i> [2017] NSWSC 450	Final Hearing: Replacement of liquidator and approval of Deed of Indemnity <i>Unled</i>
<i>In the matter of Loch-Co No 6 Pty Ltd</i> (Black J, 17 October 2016, unreported)	Final Hearing: Application to replace a liquidator <i>Unled</i>
<i>In the matter of David Ireland Productions Pty Ltd</i> [2014] NSWSC 1411	Final Hearing: Winding Up <i>Unled</i>
<i>Macquarie Bank Limited v Ponnampalam</i> [2014] FCCA 1685	Final Hearing: Creditor's Petition <i>Unled</i>

Defamation / Media

Cummings v Fairfax Digital Australia & New Zealand Pty Ltd; Cummings v Fairfax Media Publications Pty Ltd [2018] NSWCA 325

Appeal: Defamation
With ATS Dawson SC

Seven Network (Operations) Ltd v Brown [2013] NSWSC 372

Final Hearing: Employment Contract – Termination
With T D Blackburn SC

Migration

FOE17 v Minister for Immigration & Anor [2019] FCCA 1861

Final Hearing: Migration
Unled

BIR17 v Minister for Immigration & Anor [2019] FCCA 155; [2019] FCA 850

Final Hearing and Appeal: Migration
Unled

SZTIK v Minister for Immigration and Border Protection & Anor [2014] FCCA 1483

Final Hearing: Migration
Unled

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.

Anais also has advocacy experience in the following sporting tribunals.

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

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

NEAFL Tribunal

Appeared as disciplinary counsel for the NEAFL
Unled

Football NSW General Purpose Tribunal

Appeared in various matters, including on behalf of a football coach in respect of a side-line altercation and a football association in respect of a charge of bringing the game into disrepute.
Unled

Group 6 Junior Rugby League Tribunal

Appeared for a rugby league coach in respect of a post-match altercation with a referee
Unled
