

# SEBASTIAN HOWARD HARTFORD DAVIS

Bachelor of Arts/Bachelor of Laws (Hons 1, University Medal in law)  
Bachelor of Civil Law (Distinction) (Oxon)  
Doctor of Philosophy (Oxon)

## CURRICULUM VITAE

May 2018

10<sup>th</sup> Floor Chambers  
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Sydney, NSW, 2000  
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Date of Admission: 2010  
Call to the Bar: 2014

## AREAS OF PRACTICE

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General Commercial, Equity, Corporations, Common Law, Public Law.

## PROFESSIONAL

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2008-2010	High Court of Australia, Associate to the Hon Robert French, Chief Justice of Australia
2009-2017	Part-time Lecturer: Contract Law (Australian National University, 2009; Macquarie University, 2010); Equity (Macquarie University, 2014); Constitutional Law (Sydney University, 2016; Macquarie University, 2017)
Various	Lawyer, Piper Alderman – Commercial Litigation
2014-2016	Barrister, Banco Chambers
2017-present	Barrister, Tenth Floor Chambers

## EDUCATION

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2003-2008	Bachelor of Laws (First Class Honours and University Medal) and Bachelor of Arts, Macquarie University <u>Awards:</u> John Peden Memorial Prize for the Best Graduating Student in the LLB, 2008; University Medal in Law;
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Dean's Award for Outstanding Academic Achievement, 2008 and 2007; Law Society of New South Wales Prize for Sustained Academic Proficiency in Law Units and meritorious contribution to Macquarie Law School 2008 and 2007

Prizes: Litigation; Company Law; Equity and Trusts; Advanced Constitutional Law; Advanced Administrative Law; Constitutional Law; and the Macquarie Law Journal Student Essay prize

2010-2011	Menzies Foundation Scholar in Law
2011	University of Oxford, Bachelor of Civil Law (Distinction), Keble College
2012	Oxford Law Faculty Scholarship, 2012
2012-2016	University of Oxford – Doctor of Philosophy, New College. Thesis entitled: ' <i>The Legal Personality of the Commonwealth of Australia</i> '. Examined by the Hon Dyson Heydon AC QC and Prof John Finnis; supervised by Professor Joshua Getzler (St Hugh's College, Oxford)

## MAJOR PUBLICATIONS

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- S.H. Hartford Davis "The Legal Personality of the Commonwealth of Australia" (feature article, May 2018)
- N.C. Hutley and S.H. Hartford Davis, "Climate Change and Directors' Duties" (Memorandum of Opinion, 7 October 2016), published by the Centre for Policy Development

## MAJOR APPEARANCES/MATTERS

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Sebastian has experience in all NSW Courts, the Federal Court and the High Court of Australia.

## SELECTED CURRENT MATTERS

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*Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry*

Acting for ANZ Banking Group Ltd in connection with the second round of hearings focussing on financial advice  
Led by Matt Collins QC and Kate Williams SC; instructed by Ashurst

*RMS v Desane Pty Ltd*  
[NSW Court of Appeal]

Acting for the Roads Maritime Service in an appeal concerning administrative law and statutory interpretation  
Led by Hutley SC; instructed by the

Crown Solicitors Office (NSW)	
<i>Thales Australia Pty Ltd v Auditor-General for the Commonwealth</i> [Federal Court of Australia]	Judicial review proceedings concerning conduct under the <i>Auditor-General Act 1997</i> (Cth) Led by Jeremy Giles SC; instructed by Norton Rose Fulbright
<i>CPB Contractors Pty Ltd v JKC Australia LNG Pty Ltd</i> [ICC Arbitration, Singapore]	Construction dispute concerning Ichthys LNG onshore facility Led by Boulding QC (London) and T. Breakspear; instructed by DLA Piper
<i>DSHE Holdings Ltd v Abboud &amp; Ors</i> [Supreme Court of NSW, Commercial List]	Directors duties proceedings concerning the collapse of Dick Smith Led by Hutley SC and Farid Assaf; instructed by Allens Linklaters
<i>Lavars v Gillis Delaney</i> [Supreme Court of NSW, Professional Negligence List]	Professional negligence claim against solicitor Led by Faulkner SC; instructed by Laxon Lex
<i>Kerr v Australian Executor Trustee (SA) Pty Ltd</i> [Supreme Court of NSW, Commercial List]	Professional negligence claim against professional trustee company Led by Sullivan QC and David Sulan; instructed by Piper Alderman

## MAJOR APPEARANCES

### SUPREME COURT OF NSW

<i>Asbestos Injuries Compensation Fund Ltd ATF the Asbestos Injuries Compensation Fund</i> [2018] NSWSC 589	Final hearing: judicial advice, statutory construction (intervening on behalf of Allianz) Led by Toomey SC; instructed by Rankin Ellison
<i>SG v NSW Crime Commission</i> [2018] NSWSC 600	Interlocutory hearing (practice and procedure) Unled; instructed by Laxon Lex
<i>Commonwealth Steel Co Ltd v BHP Billiton Marine &amp; General Insurance Ltd</i> [2017] NSWSC 1445	Final hearing: insurance Led by Kelly SC; instructed by Rankin Ellison
<i>Application of Eurolinx Pty Ltd ATF the Colbert Security Trust</i> [2017] NSWSC 1306	Final hearing: judicial advice application Led by Needham SC; instructed by Brown Wright Stein
<i>Citigroup Global Markets Pty Ltd ATS Ong</i> [2017] NSWSC 969	Defence of claim concerning traded financial product

	Unled; instructed by Henry Davis York
<i>Re Kerr</i> [2017] NSWSC 358	Final hearing: Judicial advice application Led by Sullivan QC and Sulan; instructed by Piper Alderman
<i>Kerr v Australian Executor Trustee (SA) Pty Ltd</i> [2017] NSWSC 611	Judicial Advice application Led by Sullivan QC and David Sulan; instructed by Piper Alderman
<i>Remondis Australia Pty Ltd v Local Court of New South Wales</i> [2016] NSWSC 1649	Interlocutory: stay application Led by Mark Cahill; instructed by Sparke Helmore
<i>Deputy Commissioner of Taxation v Peter Sleiman Investments Pty Ltd ATF the Sleiman Family Trust</i> [2016] NSWSC 1657	Final hearing: Trusts, insolvency, voidable transactions Led by JC Kelly SC; instructed by David Legal
<i>SG v New South Wales Crime Commission</i> [2016] NSWSC 1615	Interlocutory – Abuse of process Led by Guy Parker SC; instructed by Laxon Lex
<i>Re Kupang Resources Ltd (Recs and Mgrs Apptd)</i> [2016] NSWSC 1895	Final hearing: Arrangements and reconstructions – Deed of company arrangement – transfer of shares Led by Withers; instructed by Squire Patton Boggs
<i>Hardie Holdings Pty Ltd v State of New South Wales</i> [2016] NSWSC 58	Interlocutory: Pleadings Led by Kirk SC; instructed by Squire Patton Boggs
<i>Rinehart v Nine Entertainment Holdings Ltd</i> [2015] NSWSC 239	Interlocutory: Preliminary discovery Led by Blackburn SC; instructed by Corrs Chambers Westgarth
<i>Bayton Cleaning Co Pty Ltd v Woods</i> [2015] NSWSC 369	Interlocutory: Summary disposal Unled; instructed by Piper Alderman
<i>Insurance Australia Ltd t/as NRMA Insurance v Parisi</i> [2014] NSWSC 1248	Final hearing: Judicial Review Led by McCarthy

#### **NSW COURT OF APPEAL**

<i>SG v New South Wales Crime Commission</i> [2017] NSWCA 107	Appeal – Abuse of process Led by Newlinds SC; instructed by Laxon Lex
<i>Peter Sleiman Investments Pty Ltd ATF the Sleiman Family Trust v Deputy Commissioner of Taxation</i> [2017] NSWCA 81	Appeal: Trusts, insolvency, voidable transactions Led by JC Kelly SC; instructed by David Legal

<i>Croucher v Cachia</i> [2016] NSWCA 132	Appeal: Trespass to person and battery Led by McCarthy; instructed by AC Lawyers
<i>R v Tuala</i> (2015) 248 A Crim R 502	Appeal: sentencing appeal Led by Ben Clark

## FEDERAL COURTS

<i>Money Max Int Pty Ltd ATF the Goldie Superannuation Fund v QBE Insurance Group Ltd</i> [Federal Court of Australia, Melbourne]	Appearing for Defendant in securities non-disclosure class action Instructed by Allens Linklaters
<i>BCI Finances Pty Ltd (in liq) v Binetter &amp; Ors</i> [Federal Court of Australia, judgment reserved]	Final hearing: criminal contempt Led by Hutley SC; instructed by Brown Wright Stein
<i>Tamaya Resources Ltd (in Liq) v Campbell-Wilson</i> (2016) 332 ALR 1991 [2016] FCAFC 2	Interlocutory: Pleadings Led by Hutley SC and Withers
<i>Mullan &amp; Worrell</i> [2016] FamCA 943	Interlocutory: Jurisdictional challenge Unled; instructed by Broun Abrahams Burreket
<i>Tamaya Resources Ltd (in Liq) v Deloitte Touche Tohmatsu (a Firm)</i> [2015] FCA 1098	Interlocutory: Pleadings Led by Hutley SC and Withers; instructed by Squire Patton Boggs

## LOCAL COURT OF NSW

<i>Better Mortgage Management Pty Ltd v Mortgage Asset Service Pty Ltd</i> [2017] NSWLC	Final hearing (4 days): Commercial dispute – mortgage managers. Unled; instructed by Piper Alderman
<i>Credit Corp Services Pty Limited v Marie Odtojan</i> [2016] NSWLC	Final hearing (2 days): credit card contract Unled; instructed by Piper Alderman