

PATRICK KNOWLES

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AREAS OF PRACTICE

- Commercial law
- Corporations and insolvency law, including regulatory investigations
- Equity
- Negligence, including professional negligence
- Public law, including constitutional law, administrative law, anti-discrimination and immigration law
- Sports law

ADMISSIONS

2009	Barrister, New South Wales
2004	Legal Practitioner, Supreme Court of New South Wales and High Court of Australia

MEMBERSHIPS AND PROFESSIONAL ACTIVITIES

2020-2022	Member, Council of the New South Wales Bar Association
2009 to date	Member of, variously, the New South Wales Bar Association's New Barristers Committee, Practice Development Committee, Education Committee and Professional Conduct Committee.
2003 to date	Member, Australian Association of Constitutional Law

PRIZES AND AWARDS

2009	Christopher Gee QC Memorial Prize – for evidence and advocacy during the NSW Bar Association's Readers Course
2006	Pegasus Scholarship – awarded by the Inner Temple, providing funding for a three month internship at the Inns of Court in London
2005	Chevening Scholarship – awarded by Cambridge Commonwealth Trust

EDUCATION

2006	University of Cambridge Masters of Laws (first class) Chevening Scholar
2003	University of New South Wales Bachelor of Arts / Bachelor of Laws

PREVIOUS PROFESSIONAL EXPERIENCE

2004 – 2009	Solicitor, Freehills (now Herbert Smith Freehills), commercial litigation group
2003 – 2004	Associate to the Hon. Justice Beaumont, Federal Court of Australia

SELECTED MATTERS

Public Law

Montgomery v Commonwealth (decision reserved) (led by Stephen Donoghue QC and Craig Lenehan SC) – High Court proceeding considering: (a) whether an Aboriginal Australian can be an “alien” for the purposes of the Constitution; and (b) the test of aboriginality

Minister for Immigration v Darnia-Wilson [2022] FCAFC 28 (unled) – appeal to the Full Federal Court considering the extra-territorial application of s 501 of the *Migration Act 1958* (Cth)

TTY167 v Republic of Nauru [2018] HCA 61; (2018) 93 ALJR 111 and *HFM043 v The Republic of Nauru* [2018] HCA 37; (2018) 92 ALJR 817 (led by Geoffrey Kennett SC) – appeals to the High Court considering whether decision regarding refugee status lawfully made

Tanioria v Commonwealth of Australia (No 3) [2018] FCA 1623 (unled) – claim for unlawful imprisonment on the basis of an allegation that s 61 of the Constitution contains an implied limitation that executive power may be lawfully exercised by persons who are not “officers of the Commonwealth”

CPB Contractors Pty Limited v Celsus Pty Limited (No 2) [2018] FCA 2112; (2018) 268 FCR 590 (led by Stephen Free SC) – whether the appointment of a referee by the Federal Court infringes the Constitutional principle that judicial power must be exercised by a Chapter III Court

Gold Coast Lifestyle Association Inc and Minister for Infrastructure and Regional Development [2017] AATA 368 (unled) – Merits review application in relation to airport runway redevelopment

Commissioner of Police (NSW) v Guo [2016] FCAFC 62; (2016) 332 ALR 236 (led by Tom Howe QC) – Appeal in relation to the application of public interest immunity in the Administrative Appeals Tribunal

Maiocchi v Royal Australian and New Zealand College of Psychiatry [2016] FCA 33 (unled) – Racial discrimination claim by a psychiatry trainee

Ueese v Minister for Immigration and Border Protection (2015) [2015] HCA 15; (2015) 256 CLR 203 (led by Geoffrey Johnson SC) – High Court appeal considering the procedure of the Administrative Appeals Tribunal in matters involving the cancellation of a visa on character grounds

Maritime Union of Australia v Minister for Infrastructure and Regional Development [2015] FCAFC 187; (2015) 238 FCR 464 (led by Geoffrey Johnson SC) – Judicial review of shipping licence decision

Chief Commissioner of State Revenue v Print National Pty Ltd [2013] NSWCA 96 (led by Alister Henskens SC) – appeal considering the jurisdiction of the Administrative Decisions Tribunal in payroll tax cases

ACCC v MSY Technology Pty Ltd (2012) 201 FCR 378 (led by Geoffrey Kennett SC) – appeal to the Full Court considering the scope of the Federal Court’s power to grant declaratory relief by consent

Appearing unled in more than 200 applications for merits and judicial in the High Court, Full Federal Court, Federal Court, Federal Circuit Court and the Administrative Appeals Tribunal

SELECTED MATTERS

Commercial law, corporations law, insolvency and equity

In the matter of Nuix Ltd (ongoing) (unled) – representing a director in shareholder class action proceedings in the Supreme Court of Victoria

Tredmore Pty Ltd v Atlas Advisors Pty Ltd [2022] NSWSC 705 (unled) – allegation of misleading and deceptive conduct in relation to the marketing of investments to sophisticated investors

Khattar v Hills Shoppingtown Pty Ltd [2022] NSWSC 363 (led by Alex Leopold SC) – claim for repayment of debt arising from failure of property development

Twigg v Twigg [2022] NSWCA 68 (led by Bret Walker SC and Jonathan Evans QC) – appeal in relation to finding of breach of trust, including complex issues of tracing, laches and the application of the statute of limitations

Commonwealth of Australia v Sanofi (formerly Sanofi-Aventis) (No 5) [2020] FCA 543 (led by Peter Brereton SC) – claim on an undertaking as to damages in a patent matter seeking the losses referable to additional public expenditure under the Pharmaceutical Benefits Scheme

RGA Reinsurance Company of Australia Ltd v Westpac Life Insurance Services Ltd [2020] NSWSC 1299 (led by Richard McHugh SC) – dispute regarding the proper construction of a reinsurance treaty

DIF III - Global Co-Investment Fund LP v Babcock & Brown International Pty Limited (No 2) [2019] NSWSC 1578 (unled) – representing director in large claim for misleading and deceptive conduct in relation to a decision of an investment committee

In the matter of Sirtex Medical Limited [2018] FCA 584 (led by Jeremy Giles SC) – scheme of arrangement application in the context of competing bids for a target company

Sigma Pharmaceuticals (Australia) Pty Ltd v Wyeth [2018] FCA 1556; (2018) 136 IPR 8 (led by Peter Brereton SC) – claim on an undertaking as to damages in a patent matter seeking the losses referable to additional public expenditure under the Pharmaceutical Benefits Scheme

Creighton v Australian Executor Trustees Limited [2016] NSWSC 17 (led by Matthew Darke SC) – Application considering multiple class action proceedings arising from the collapse of an issuer of mortgage debentures

HP Mercantile Pty Ltd v Hartnett [2016] NSWCA 342, *HP Mercantile Pty Ltd v Clements* [2015] NSWCA 212 and *HP Mercantile Pty Ltd v Dierickx* [2013] NSWCA 87 (led by Bret Walker SC) – Principles of contractual construction relating to an investment in an agricultural scheme

Grant Samuel Corporate Finance Pty Ltd v Fletcher [2015] HCA 8; (2015) 254 CLR 477 (led by Tony Bannon SC) – High Court appeal considering power to extend the time for a liquidator to commence proceedings for a voidable transaction

Westnet WA Infrastructure Holdings Limited [2015] NSWSC 658 (unled) – Application for judicial advice by the liquidator of the Alinta group of companies

Lachlan v HP Mercantile Pty Ltd [2015] NSWCA 130; (2015) 89 NSWLR 198 (unled) – Enforcement of a settlement deed involving consideration of the doctrine of penalties and the Court's discretion to set aside consent orders

SELECTED MATTERS

Negligence (including professional negligence)

Dougall v Melville [2017] NSWCA 309 (unled) – Limitation period applicable to claims for professional negligence against legal professionals

Plaintiff S99 v Minister for Immigration and Border Protection [2016] FCA 483; (2016) 243 FCR 17 (led by Geoffrey Kennett SC) – Liability of the Commonwealth for the health care needs of persons in offshore detention centres

Bankstown City Council v Zraika [2016] NSWCA 51; (2016) 94 NSWLR 159 (led by Robert Sheldon SC) – Liability of a local government authority for planning decisions

Miller v Lithgow City Council [2015] NSWCA 320; (2015) 91 NSWLR 752; (led by Robert Sheldon SC) – Scope of the liability of a public authority for injury occurring during school sports activities

White v Forster [2014] NSWSC 1767 (unled) – Claim for negligence against a solicitor considering the scope of the immunity of advocates

SELECTED MATTERS

Sports Law

Liddick v Gymnastics Australia (2022) NST-E21-148532 (unled) – proceedings in the National Sports Tribunal concerning complaints brought against former head coach of the Australian women’s gymnastics team

Peris and Anti-Doping Rule Violation Panel [2020] AATA 1855 – merits review proceeding of a finding of possible doping by international athlete

Smith and Anti-Doping Rule Violation Panel [2019] AATA 5489 – merits review proceeding considering who is an “athlete” for the purpose of anti-doping rules

In the matter of Dank and 16 players of the Essendon Football Club – Proceedings in the Australian Football League Anti-doping Tribunal (led by Malcolm Holmes QC) and, on appeal to the Court of Arbitration for Sport (unled), concerning supplements administered to members of a professional sporting team

Graham and Anti-Doping Rule Violation Panel [2016] AATA 807 (unled) – merits review proceeding of a doping finding against a sports administrator

Earl and Anti-Doping Rule Violation Panel [2014] AATA 968 (unled) – merits review proceeding of a finding of possible doping by professional rugby league players

In the matter of two NRL player agents (led by Tony Bannon SC) – arbitration before the Hon. Kevin Lindgren QC regarding disciplinary proceedings against player agents involved in breaches of the National Rugby League’s salary cap

Various other anti-doping matters before the National Sports Tribunal, the Court of Arbitration for Sport and the National Rugby League Judiciary (all unled)