

John Halley SC

Curriculum Vitae

Chambers: Sixth Floor
Selborne Wentworth Chambers
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Career: 1986 - Admitted as a Legal Practitioner of the Supreme Court of New South Wales

1986 – Solicitor, Allen Allen & Hemsley

1993 - Called to the New South Wales Bar

2008 - Appointed Senior Counsel

Practice as a barrister

1993 to Date

My practice at the bar has been primarily in the competition, corporations and commercial areas, particularly preparation for and the conduct of lengthy hearings in the Federal Court and Supreme Court involving extensive lay and expert evidence, electronic databases and large teams of counsel and solicitors. These matters have included the Air Cargo price fixing cases, the C7 litigation, the NAB/Idoport proceedings, the Estate Mortgage litigation and the Pioneer/Giant proceedings.

Competition cases have included:

Air New Zealand v ACCC; Garuda v ACCC – briefed by the AGS for the ACCC (2017) 344 ALR 377 (High Court)

ACCC v Pfizer – briefed by Webb Henderson for the ACCC (Full Federal Court – Greenwood, Middleton, Foster JJ – judgment reserved)

ACCC v Air New Zealand; ACCC v Garuda Airways (2016) 244 FCR 190 – briefed by the AGS for the ACCC (Full Federal Court – Dowsett, Yates, Edelman JJ)

ACCC v Pfizer (2015) 323 ALR 429; 110 IPR 324 – briefed by Webb Henderson for the ACCC (Federal Court – Flick J)

ACCC v Air New Zealand; ACCC v Garuda Airways (2014) 319 ALR 388 – briefed by the AGS for the ACCC (Federal Court – Perram J) (evidentiary judgments reported at (2013) 301 ALR 399; (2013) 301 ALR 392; (2012) 301 ALR 352; (2012) 301 ALR 321)

ACCC v Singapore Airlines; ACCC v Cathay Pacific, ACCC v Emirates, ACCC v Korean Airlines, ACCC v Malaysian Airlines, ACCC v Air New Zealand, ACCC v Japan Airlines and ACCC v Thai Airways – briefed by the AGS for the ACCC (interlocutory applications – Federal Court Jacobson J) (matters settled prior to or at commencement of final hearing before Perram J)

ACCC v Metcash (2011) 198 FCR 297 – briefed by the AGS with A. Myers QC for the ACCC – (Full Federal Court – Finn, Buchanan Yates JJ)

ACCC v Metcash (2011) 282 ALR 464 – briefed by the AGS with N. O’Byrne SC for the ACCC – (Federal Court – Emmett J)

Seven v News Limited (C7 appeal) (2009) 182 FCR 160 – briefed by Freehills, with A. Myers QC and J. Sheahan SC, for Seven and C7. (Full Federal Court – Mansfield, Dowsett and Lander JJ)

Seven and C7 v News Limited and Ors (C7 trial) (2007) ATPR (Digest) 42-274 – briefed by Freehills, led by J. Sumption QC and J. Sheahan SC, for Seven and C7 (Federal Court – Sackville J)

Virgin Blue and Qantas v Sydney Airport Corporation Limited [2005] ACOMPT 5 (Declaration of Airside Service) - briefed by Gilbert + Tobin for Virgin Blue led by S. Gageler SC (Competition Tribunal)

Optus v Telstra (Wholesale Line Rental price increase) – briefed by Minter Ellison led by S. Gageler SC for Optus (Federal Court – Emmett J) (settled prior to hearing)

Duties of Responsible Entity, Schemes of Arrangement cases have included:

Wellington Capital v ASIC (2014) 254 CLR 288 – briefed by ASIC (High Court)

Re David Jones Ltd (No 3) [2014] FCA 753 – briefed by ASIC (Federal Court – Farrell J)

Re David Jones Ltd (No 2) (2014) 101 ACSR 381 – briefed by ASIC (Federal Court – Farrell J)

Civil Penalty/regulatory enforcement cases have included:

ASIC v Vocation Ltd (in liquidation) (Federal Court – Nicholas J – part heard)

ASIC v Whitebox Trading Pty Ltd (2017) 345 ALR 424 – briefed by ASIC (Full Court – Allsop CJ, Middleton and Bromwich JJ)

ASIC v Padbury (2016) 116 ACSR 208 – briefed by ASIC (Federal Court, Siopis J)

ACCC v Dateline [2015] FCAFC 114 – briefed by the AGS for the ACCC (Full Court – Gilmour, McKerracher, Gleeson JJ)

ACCC v Dateline (No 2) (2014) 320 ALR 535 (Federal Court – Rangiah J – briefed by the AGS for the ACCC penalty hearing)

ACCC v Dateline [2014] 143 ALD 136 (Federal Court – Rangiah J – briefed by AGS for the ACCC – liability hearing)

ASIC v GE Capital Finance Australia [2014] FCA 701 (briefed by ASIC) (Federal Court – Jacobson J)

ASIC v Idyllic Solutions Limited and Hobbs (2013) 93 ACSR 421 briefed by ASIC (Supreme Court of NSW – liability and penalty hearings – Ward J)

ASIC v Groves & Ors Re ABC Learning Centres Ltd (2009) 73 ACSR 466 briefed by ASIC (Federal Court – Lindgren J)

Collard & ors v Australian Securities and Investments Commission (No 3) & ors (2008) 68 ACSR 517 briefed by ASIC (Federal Court – Perram J)

Misleading and deceptive conduct/loss of a chance cases have included:

Integral Energy v SCT and others (IT dispute about new customer billing and management system) – briefed by Blake Dawson Waldron for SCT led by J. Sackar QC (NSW Supreme Court) (settled prior to hearing)

AGL v Optus (sale of Dingo Blue) – briefed by Baker & McKenzie for Optus led by J. Sackar QC (NSW Supreme Court) (settled prior to hearing in 2000/2001)

Idoport v National Australia Bank and others briefed by Freehills for National Australia Bank parties led by T. Bathurst QC, J. Sackar QC and R. Smith SC (NSW Supreme Court – Einstein J) (Evidentiary judgments reported at (2000) 49 NSWLR 51; (2000) 50 NSWLR 640; (settled after 210 days of hearing)

Loss of tender/process contracts/ loss of chance cases have included:

AACo v AMP (Stanbroke Pastoral Company tender) – briefed by Lipman Karas for AACo led by A. Myers QC (Federal Court, Cowdery J) (settled after commencement of hearing)

Cubic Transportation Systems v NSW Department of Transport (Integrated Ticket Project tender) [2002] NSWSC 656 – briefed by Baker & McKenzie for Cubic led by J. Sackar QC (NSW Supreme Court, Adams J)

Hughes Aircraft Corporation Limited v Airservices Australia (TAAATS tender) – briefed by Freehills for Airservices Australia, led by J. Sackar QC (Federal Court, Finn J) (settled after 80 days of hearing in 1998)

Shadow director/insolvent trading/breach of trust/breach of fiduciary duties cases have included:

Evans v European Bank, Citibank v European Bank (2004) 60 NSWLR 153 – briefed by Baker & McKenzie for European Bank led by T. Bathurst QC (NSW Court of Appeal)

Murphy & Allen v Burns Philp Company and others (Estate Mortgage litigation) – led by G. Palmer QC and R. McDougall QC briefed by Baker & McKenzie for Murphy & Allen as trustees of the Estate Mortgage Trusts (Victorian Supreme Court, Smith J) (settled after 90 days of hearing in 1997)

Standard Chartered Bank of Australia v Pioneer and Ors (collapse of Giant Resources) (1995) 38 NSWLR 290 - briefed by Allens for Pioneer and Pioneer directors (NSW Supreme Court, Hodgson J) led by T.E.F. Hughes QC, and R. McColl SC

General Commercial/Administrative Law matters have included:

Application of Monier Inc (2009) 76 NSWLR 158 – briefed by Freehills for Monier (Evidence on Commission – setting aside subpoena) (NSW Supreme Court – Matthews AJ)

Super 1000 Pty Ltd v Pacific General Securities Pty Ltd (2008) 221 FLR 427 briefed by Graham W Howe & Co for Super 1000 (NSW Supreme Court – White J)

Dick Smith v Airservices Australia (2005) 222 ALR 464 (Challenge to NAS 2b airspace reforms) briefed by Allens for Airservices Australia (Federal Court – Stone J)

VISA v Reserve Bank of Australia (2003) 131 FCR 300 (interchange fees) – briefed by Freehills for VISA – led by J. Karkar QC and A. Robertson SC (Federal Court – Tamberlin J)

Practice as a solicitor

1986-1993

Allen Allen & Hemsley, Commercial Property (1986); Commercial Banking and Finance and BT secondment (6 weeks) (1987); Allens New York Office (3 months) (1988) Litigation (1988 to 1992) senior associate, working on commercial, insolvency, banking, defamation and trade mark matters, including liquidation of *Hooker Corporation Limited*; *Allstate/Linter* junk bondholder litigation, *ANI and others* at *Spedley Securities Limited*; and the *Jane Makim* defamation proceedings brought against *Fairfax* and *News Limited*.

Current Appointments

2002 to date	Director, Sixth Floor Limited
2014 to date	Director, Loreto Kirribilli Limited
2016 to date	Director, Counsel's Chambers Limited

Other Activities

1979-1991	Infantry Officer, Australian Army Reserve, Sydney University Regiment, 2/17 Battalion RNSWR, 8 Brigade HQ
1989-1991	Honorary Military ADC to the Governor of New South Wales, His Excellency Sir David Martin, and then His Excellency Rear Admiral Peter Sinclair
2002-2004	President, 1 st Lindfield Scout Group
2004-2007	President, Cranbrook School Rowing Parent Committee
2007-2011, 2012-2013	President, Loreto Kirribilli Rowing Parent Committee
2008 to 2015	Member, Professional Conduct Committee, No 3, of the NSW Bar Association
2010 to 2016	Presented papers on Regulatory Litigation and Enforcement for the University of NSW, post graduate courses and CLE seminars and lectured at the Bar Practice Course for Readers