Conor Bannan

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Professional Qualifications & Education

2011: Admitted as a Barrister of the Supreme Court of New South Wales
2006: Admitted as a Solicitor-Advocate (All Higher Courts), England & Wales
2000: Admitted as a Legal Practitioner of the Supreme Court of New South Wales
2000: University of New South Wales, Combined LLB (Honours equivalent) BSc

Summary

I am an experienced barrister with a broad practice across all areas of commercial law.

I typically appear in the Federal Court of Australia and the Supreme Court of NSW. I have particular expertise in competition law. I also have significant experience in class actions (both for and against the class), consumer law (misleading or deceptive conduct, unconscionable conduct, unfair contract terms), professional negligence, administrative law and equity matters.

I have been briefed by leading corporations including Apple Inc, Meta Platforms Inc, Instagram Inc, TPG Telecom, Mazda Australia, Hancock Prospecting, Mastercard and Telstra Corporation.

I have considerable experience in regulatory proceedings brought by the ACCC and ASIC, in which I have appeared both for and against the regulator. I also have experience in white collar crime, having appeared for an individual in Australia's only criminal cartel jury trial and having appeared for corporations in sentencing hearings.

I have been briefed extensively in disputes relating to digital platforms, telecommunications, banking and financial services, franchising, mining and resources, and the automotive industry. Following a science degree in which I studied microbiology, genetics, chemistry and higher mathematics, I have an interest in disputes which require scientific analysis and numeracy.

I have been recognised in a range of legal directories (*Chambers & Partners, Doyle's Guide*, *Legal 500*, and *Best Lawyers*) for my expertise in both commercial litigation and competition law. *Chambers and Partners* says: "*Conor Bannan is outstanding. He is incredibly accurate and a very good advocate*"; *Legal 500* says: "*Conor is always calm, reliable and accurate in his analysis. He brings the same strength to his advocacy*".

Before coming to the bar, I worked as a solicitor for a period of approximately 10 years (at Mallesons Stephen Jaques and Gilbert & Tobin in Sydney, and at Linklaters LLP in London). During my time as a solicitor, I also completed secondments to Westpac Banking Corporation in Sydney and the Royal Bank of Scotland plc in London and Edinburgh.

Selected cases

- ***Mastercard v ACCC*** (2026) 315 FCR 256; [2026] FCAFC 37
  (Leading Talia Epstein and Michael Gvozdenovic; instructed by Baker & McKenzie)
  Acting for the appellant in relation to a challenge to Mastercard's privilege claims

- ***ACCC v Mastercard***
  (Judgment reserved, led by Dr Ruth Higgins SC and with Talia Epstein, Michael Gvozdenovic and Jeremy Forbes; instructed by Baker & McKenzie)
  Acting for Mastercard in proceedings in which the ACCC alleges misuse of market power and entry into anti-competitive agreements

- ***ACCC v The Bradford Exchange Limited***, judgment reserved
  (Leading Melita Parker; instructed by Corrs Chambers Westgarth)
  Acting for the ACCC in proceedings regarding alleged breaches of the Australian Consumer Law (sections 18, 29(1)(b), 29(1)(i), 29(1)(m), 33 and 48)

- ***Mayfield Development Corporation Pty Ltd v NSW Ports Operations Hold Co Pty Ltd*** [2026] HCA 12
  (Led by Bret Walker SC and with Paul McQueen; instructed by K&L Gates)
  Acting for the appellant in an appeal concerning whether Mayfield's claim was precluded by derivative Crown immunity, or otherwise

- ***Morgan v RHS Hotel Investments*** [2025] NSWSC 1295; [2025] NSWSC 1374
  (Unled; instructed by Maddocks)
  Acting for the developer in proceedings seeking specific performance of a contract for the sale and purchase of a property.

- ***Belverdere Pty Limited v Idameneo (No 123) Pty Limited*** [2025] NSWSC 1327
  (Leading Jeremy Forbes; instructed by Keypoint Law)
  Acting for the plaintiff in proceedings seeking damages for breach of contract.

- ***Epic Games Inc v Apple Inc*** [2025] FCA 900; [2025] FCA 902
  (Led by Matthew Darke SC and Stephen Free SC, and with Laura Thomas, Zoe Hillman and Xuelin Teo; instructed by Clayton Utz)
  Acting for Apple Inc and Apple Australia in proceedings brought by Epic Games Inc, and in related class action proceedings regarding alleged anti-competitive conduct in relation to the operation of Apple's app store

- ***ZeroBonds Residential Pty Ltd v Commissioner for Fair Trading*** [2025] NSWSC 265
  (Leading Louise Dargan; instructed by Bridges Lawyers)
  Acting for the plaintiff in proceedings concerning the application of the Residential Tenancies Act to a product designed by the plaintiff

- ***ACCC v Meg's Flowers Pty Ltd*** [2024] FCA 1435
  (Unled; instructed by HWL Ebsworth)
  Acting for the respondent in proceedings concerning misleading or deceptive conduct

- ***Lindsay-Owen v HWL Ebsworth Lawyers*** [2023] NSWSC 541; [2024] NSWSC 541
  (Led by Tim Faulkner SC; instructed by Gilchrist Connell)
  Acting for HWL Ebsworth in relation to a professional negligence claim in which the plaintiffs sought damages of $130 million in relation to the preparation of a joint venture agreement for a large property development

- ***ACCC v Delta Building Automation Pty Limited*** [2023] FCA 880 (liability);
  [2024] FCA 580 (penalty)
  (Leading Alex Vial; instructed by Maddocks)
  Acting for the Respondents in a penalty hearing in relation to proceedings in which the ACCC alleges an attempt to induce a cartel arrangement

- ***ACCC v BlueScope Steel Ltd*** [2022] FCA 1475 (liability); [2023] FCA 1029 (penalty)
  (Led by Ruth Higgins SC; instructed by Norton Rose Fulbright)
  Acting for an individual respondent in relation to penalties and other relief relating to attempts to induce cartel arrangements in relation to the pricing of flat steel products

- ***Commonwealth Director of Public Prosecutions v Alkaloids of Australia Pty Ltd*** [2022] FCA 1424
  (Leading Emmanuel Kerkyasharian; instructed by Ashurst)
  Acting for the corporate offender in relation to two criminal offences of giving effect to a cartel arrangement and one offence of attempting to make a cartel arrangement

- ***ACCC v First Class Slate Roofing Pty Ltd*** [2022] FCA 1093
  (Unled; instructed by Mistry Fallahi)
  Acting for the third and fourth respondents in relation to contraventions of the civil prohibitions on cartel conduct arising from bid rigging

- ***Application of Walker Corporation Pty Limited*** [2022] NSWSC 1609
  (Unled; appointed by the Court)
  Acting as contradictor in relation to an application to rectify a trust deed in order to extend the vesting date of a trust with extensive property holdings

- ***Dialogue Consulting Pty Ltd v Instagram Inc*** (2021) 291 FCR 155; [2020] FCA 1846; (2021) 291 FCR 240; [2022] FCAFC 7; [2021] FCA 1322
  (Led by Tony Bannon SC, and with Richard Garnett and Naomi Oreb; instructed by Corrs Chambers Westgarth)
  Acting for the respondents in proceedings alleging anti-competitive conduct including in relation to interlocutory applications for a stay of proceedings pursuant to the International Arbitration Act 1974 (Cth), and an application for the variation of an injunction in light of an administrative order of the US Federal Trade Commission

- ***Commonwealth Director of Public Prosecutions v Country Care Group Pty Limited*** [2020] FCAFC 30; (2020) 275 FCR 342; [2020] FCAFC 44; [2019] FCA 2201
  (Led by David Staehli SC; instructed by Mills Oakley)
  Acting for an individual accused in relation to criminal charges brought by the CDPP (with the ACCC as informant) arising out of alleged cartel conduct in relation to tenders for government health contracts by The Country Care Group Pty Limited

- ***ACCC v Employsure Pty Limited*** [2020] FCA 1409 (liability); (2021) 392 ALR 205; [2021] FCAFC 142 (appeal on liability); [2021] FCA 1488; [2022] FCA 3 (penalty); (2023) 407 ALR 302; [2023] FCAFC 5 (appeal on penalty)
  (Led by Peter Brereton SC, Dr Ruth Higgins SC and Tony Bannon SC)
  Acting for the respondent in in relation to proceedings concerning alleged misleading or deceptive conduct, unconscionable conduct and unfair contract terms

- ***Coates v Mazda Australia Pty Limited*** [2018] NSWSC 1868; [2019] NSWSC 1493; [2022] NSWSC 1076; (2020) 101 NSLWR 890; [2020] NSWCA 66
  (Unled; instructed by Milks Oakley)
  Acting for Mazda Australia Pty Limited in class action proceedings concerning the use of Takata airbags in Mazda vehicles, and in an appeal relating to class closure orders

- ***Vodafone Hutchison Australia Pty Limited v ACCC*** [2020] FCA 117
  (Led by Dr Ruth Higgins SC, and with Declan Roche and Peter Strickland; instructed by Herbert Smith Freehills)
  Acting for TPG Telecom Limited in proceedings seeking a declaration that a proposed merger with Vodafone Hutchison Australia Pty Limited would not have the effect, or likely effect, of substantially lessening competition

- ***ACCC v Oakmoore Pty Limited*** [2018] FCA 1472
  (Unled; instructed by Minter Ellison)
  Acting for the respondents in relation to alleged cartel conduct and entry into, and giving effect to, anti-competitive contracts, arrangements or understandings

- ***ACCC v Colgate-Palmolive Pty Limited*** [2016] FCA 528
  (Unled; instructed by King & Wood Mallesons)
  Acting for the first respondent in relation to alleged cartel conduct and entry into, and giving effect to, anti-competitive contracts, arrangements or understandings

- ***Ambergate Limited v CMA Corporation Limited*** [2016] FCA 94
  (Unled; instructed by Madgwicks)
  Acting for the managing director of a publicly listed company in relation to alleged misleading or deceptive statements in announcements to the ASX

- ***ACCC v AGL South Australia*** [2014] FCA 1369 (liability); [2015] FCA 399 (penalty)
  (Led by Dick Whitington KC and with Jonathon Redwood; instructed by Ashurst)
  Acting for the respondent in relation to alleged misleading or deceptive conduct

- ***ACCC v Cement Australia*** (2013) 310 ALR 165; [2013] FCA 909 (liability); (2016) 242 FCR 389 (penalty); (2017) 258 FCR 312; [2017] FCAFC 159 (penalty appeal)
  (Led by Noel Hutley SC, Sue Brown SC, Peter Franco SC and Ruth Higgins; instructed by Gilbert & Tobin and Ashurst)
  Acting for the respondents in relation to an appeal concerning the penalties imposed in relation to entry into, and giving effect to, anti-competitive contracts

- ***Casaceli v Natuzzi SpA*** (2012) 292 ALR 143; [2012] FCA 691
  (Led by Michael Lee SC; instructed by Levitt Robinson)
  Acting for the respondents to an application to stay proceedings pursuant to the International Arbitration Act 1974 (Cth)

Previous professional experience

- Senior Lawyer, Gilbert + Tobin (2009-2011)
- Solicitor and Senior Associate, Mallesons Stephen Jaques (2000-2009)
  (leave of absence 2004-2007)
- Associate and Managing Associate, Linklaters LLP (2004-2007)

As a solicitor, I worked on a range of commercial disputes with a focus on competition and consumer law, and cases in the banking and financial services and resources and infrastructure sectors. The significant cases on which I worked included the following:

- Acting for a company owned by funds advised by CVC Asia Pacific in connection with a warranty claim against entities within the Octaviar Limited group of companies.

- Acting for Petrobras SA in relation to a fraudulent misrepresentation claim regarding the upgrade of the world's largest semi-submersible oil production platform, and in separate proceedings concerning the distribution of insurance proceeds following an explosion which resulted in a total loss of the oil production platform.

- Acting for BAE Systems in relation to an ICC arbitration with a foreign navy regarding the technical suitability of a fleet of naval vessels with a contract value of £750 million

- Acting for Xstrata in an ICC arbitration (before Murray Gleeson AC QC, Daryl Dawson AC QC and Andrew Rogers AO QC) relating to a dispute under a coal supply agreement subject to the *Convention on Contracts for the International Sale of Goods* (CISG).

- Acting for The Hills Motorway Limited in relation to a dispute with the operator of the M2 motorway concerning the liability for the electricity costs of operating the motorway.

- Acting for Société Générale Australia Branch in relation to three separate claims arising out of the underwriting of notes and bonds issued by HIH Insurance Limited.

Publications and presentations

"*Accessorial liability under the Trade Practices Act*" (2009) 83 Australian Law Journal 407-422

I regularly present at seminars and conferences. Recent presentations include:

- "*Accessorial liability – The latest word from the High Court*"
- "*Preliminary discovery and other pre-trial procedures*"
- "*Representations as to future matters*"
- "*Liability for the conduct of authorised representatives under the Corporations Act 2001*"
- "*Relief under the Contracts Review Act*"
- "*Civil Penalties: everything old is new again*"
- "*Civil penalties and the course of conduct principle*"
- "*Responsible lending obligations*"
- "*Mediation and confidentiality*"

Memberships and professional contributions

New South Wales Bar Association Professional Conduct Committee 2019-2026

New South Wales Bar Association Wellbeing Committee 2025-2026

Refugee Advice & Casework Service *pro bono* panel 2017-2026

Federal Court *pro bono* scheme 2018-2026

Ask! Youth Legal Service 2007-2009

Downing Centre Duty Solicitor 2000-2004; 2007-2009

Michael Pandelis award for the most significant contribution to the life of the law school at the University of New South Wales 1999

Executive Editor, *University of New South Wales Law Journal* 1998