

Conor Bannan

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Professional Qualifications & Education

2011: Admitted as a Barrister of the Supreme Court of New South 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 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.

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 typically appear in the Federal Court of Australia and the Supreme Court of New South Wales, but I also appear in a range of other courts and tribunals. I regularly appear unled, and I have also been briefed as a junior to some of Australia's leading silks.

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 significant 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*, *The Legal 500*, and *Best Lawyers*) as a leading junior counsel in both commercial litigation and competition law. For example, I have been recognised as a leading barrister in commercial litigation by *Doyle's Guide* since 2017, and I am one of only three junior counsel in Australia recognised for competition law expertise by *Chambers and Partners*.

Those directories include the following reviews:

- *"Conor is always available, always happy to engage and a very intelligent but very commercial barrister"*;
- *"Conor is extremely calm under pressure. He is always well prepared and a pleasure to deal with at all times of the life cycle of a large matter"*; and
- *"Conor is a very experienced senior junior who has genuine expertise in complex competition law matters, which he combines with sound judgment. He is smart, hard-working and easy to work with"*.

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 – Commercial litigation

- ***London City Equities Ltd v Excelsior Capital Ltd***
Acting for the plaintiffs in proceedings alleging oppressive conduct, and seeking a winding up of the first defendant
[2025] FCA 285 – Unled; instructed by Speed & Stracey
- ***ZeroBonds Residential Pty Ltd v Commissioner for Fair Trading***
Acting for the plaintiff in proceedings concerning the application of the Residential Tenancies Act to a product designed by the plaintiff
[2025] NSWSC 265 – Leading Louise Dargan; instructed by Bridges Lawyers
- ***Productivity Partners Pty Limited (trading as Captain Cook College) v ACCC***
Acting for the individual appellant in relation to an appeal of findings of knowing involvement in unconscionable conduct
(1) Full Federal Court: (2023) 297 FCR 180; [2023] FCAFC 54; (2) High Court: (2024) 419 ALR 30; [2024] HCA 27 – Led by Michael Hodge KC; instructed by HWL Ebsworth
- ***ACCC v Meg’s Flowers Pty Ltd***
Acting for the respondent in proceedings concerning misleading or deceptive conduct
[2024] FCA 1435 – Unled; instructed by HWL Ebsworth
- ***White Pointer Investments Pty Limited v Creative Academy Group Pty Limited***
Acting for the plaintiff in relation to a claim for damages arising out of profit sharing agreement relating to the development of childcare centres
(1) Liability: [2023] NSWSC 817 (2) Appeal: [2024] NSWCA 133 – Led by Ian Pike SC for (1), and led by Richard McHugh SC for (2); instructed by Keypoint Law
- ***Lindsay-Owen v HWL Ebsworth Lawyers***
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
(1) Stage one: [2024] NSWSC 541; (2) Stage two: [2023] NSWSC 541; (3) Stage three: listed for hearing on 5 August 2025 – Led by Tim Faulkner SC for (1) and (2); unled for (3); instructed by Gilchrist Connell
- ***ACCC v Employsure Pty Limited***
Acting for the respondent in relation to proceedings concerning alleged misleading or deceptive conduct, unconscionable conduct and unfair contract terms
(1) Trial on liability: [2020] FCA 1409; (2) Appeal on liability: (2021) 392 ALR 205; [2021] FCAFC 142; (3) Penalty and relief: [2021] FCA 1488; [2022] FCA 3; (4) Appeal on penalty: (2023) 407 ALR 302; [2023] FCAFC 5 –
Led by Peter Brereton SC for (1) and (2); led by Ruth Higgins SC for (3); led by Tony Bannon SC for (4); instructed by Webb Henderson
- ***Application of Walker Corporation Pty Limited***
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
[2022] NSWSC 1609 – Unled; appointed by the Court as a contradictor
- ***Coates v Mazda Australia Pty Limited***
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
(1) Interlocutory judgments and settlement approval: [2018] NSWSC 1868; [2019] NSWSC 1493; [2022] NSWSC 1076; (2) Appeal: (2020) 101 NSLWR 890; [2020] NSWCA 66 – Unled; instructed by Mills Oakley

- ***Telstra Corporation Limited v Singtel Optus Pty Limited***
Acting for the applicant in relation to alleged misleading or deceptive conduct
[2020] FCA 1372 – Led by Ruth Higgins SC; instructed by King & Wood Mallesons
- ***Lease Collateral Pty Limited v Johnson***
Acting for the plaintiff in relation to alleged misleading or deceptive conduct which resulted in a loan being advanced to Force Corp Pty Limited (in liq) by Challenger Ltd
[2018] NSWSC 1157 – Led by Jason Potts SC; instructed by Corrs Chambers Westgarth
- ***Estate of Hemmes; Cameron v Mead***
Acting for the estate of the Hemmes family in relation to a family provision claim
[2018] NSWSC 85 – Led by Noel Hutley SC; instructed by Speed & Stracey
- ***Ambergate Limited v CMA Corporation Limited***
Acting for the managing director of a publicly listed company in relation to alleged misleading or deceptive statements in announcements to the ASX
[2016] FCA 94 – Unled; instructed by Madgwicks
- ***Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry***
Acting for the ANZ Bank in relation to the fifth round of the Royal Commission concerning superannuation – Led by Matthew Collins QC, Ian Pike SC and Kate Williams SC; instructed by Ashurst
Acting for ASIC relation to the second round of the Royal Commission concerning financial advice – Led by Mark Steele SC; instructed by Corrs Chambers Westgarth
- ***Mr Rental Australia Pty Ltd v IRD Services***
Acting for the franchisor seeking specific performance of franchise agreements
[2016] NSWSC 700; [2016] NSWSC 918 – Led by Jason Potts SC; instructed by Corrs Chambers Westgarth
- ***ANZ v Adventure Quest Paintball-Skirmish Pty Limited***
Acting for the Bank in relation to an application for a writ of possession and recovery of a debt pursuant to a director's guarantee
[2016] NSWSC 188; [2016] NSWSC 621; [2015] NSWSC 438; [2016] NSWCA 258 – Unled; instructed by Kemp Strang
- ***Jaeger v Bowden***
Acting for the plaintiff seeking an account or equitable compensation from the defendants in relation to alleged breaches of fiduciary duty and receipt of assets with notice
[2016] NSWSC 897; [2015] NSWSC 1479 – Led by Robert Newlinds SC and Nick Beaumont SC; instructed by Paltos Milevski
- ***ACCC v AGL South Australia Pty Limited***
Acting for the respondent in relation to alleged misleading or deceptive conduct
[2014] FCA 1369 and [2015] FCA 399 – Led by Dick Whittington KC and Jonathon Redwood; instructed by Ashurst
- ***Ingram v Y Twelve Pty Limited***
Acting for the plaintiffs in proceedings to have a number of share and unit transfers set aside on the basis they were effected with intent to defraud creditors
[2013] NSWSC 1777; [2013] NSWSC 928 – Led by Greg Curtin SC; instructed by Tress Cox

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

Selected cases – Competition law

- **Mayfield Development Corporation Pty Ltd v NSW Ports Operations Hold Co Pty Ltd**
Acting for the applicant in proceedings alleging entry into an agreement with the effect or likely effect of substantially lessening competition
[2025] FCAFC 43 – Led by Bret Walker SC and with Paul McQueen and Naomi Wootton; instructed by Banton Group
- **Epic Games Inc v Apple Inc**
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
Judgment at first instance currently reserved; interlocutory judgments: (2021) 286 FCR 105; [2021] FCA 338; [2021] FCA 165 – Led by Matthew Darke SC and Stephen Free SC, and with Laura Thomas, Zoe Hillman and Xuelin Teo; instructed by Clayton Utz
- **ACCC v Delta Building Automation Pty Limited**
Acting for the Respondents in a penalty hearing in relation to proceedings in which the ACCC alleges an attempt to induce a cartel arrangement
(1) Liability: [2023] FCA 880; (2) Penalty: [2024] FCA 580; (3) Appeal (reserved) – Leading Alex Vial for (1) and (2); led by Ruth Higgins SC and with Alex Vial for (3); instructed by Maddocks
- **ACCC v BlueScope Steel Limited**
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
(1) Liability: [2022] FCA 1475; (2) Penalty: [2023] FCA 1029 (3) Appeal (reserved) – Led by Ruth Higgins SC; instructed by Norton Rose Fulbright
- **Commonwealth Director of Public Prosecutions v Alkaloids of Australia Pty Ltd**
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
[2022] FCA 1424 – Leading Emmanuel Kerkyasharian; instructed by Ashurst
- **ACCC v First Class Slate Roofing Pty Ltd**
Acting for the third and fourth respondents in relation to contraventions of the civil prohibitions on cartel conduct arising from bid rigging
[2022] FCA 1093 – Unled; instructed by Mistry Fallahi
- **Dialogue Consulting Pty Ltd v Instagram Inc**
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
(1) Stay application: (2021) 291 FCR 155; [2020] FCA 1846; (2) Appeal on stay application: (2021) 291 FCR 240; [2022] FCAFC 7; (3) Injunction variation application: [2021] FCA 1322 – Led by Tony Bannon SC, and with Richard Garnett and Naomi Oreb; instructed by Corrs Chambers Westgarth

- **Commonwealth Director of Public Prosecutions v Country Care Group Pty Limited**
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
[2020] FCAFC 30; (2020) 275 FCR 342; [2020] FCAFC 44; [2019] FCA 2201 – Led by David Staehli SC; instructed by Mills Oakley
- **Vodafone Hutchison Australia Pty Limited v ACCC**
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
[2020] FCA 117 – Led by Ruth Higgins SC, and with Declan Roche and Peter Strickland; instructed by Herbert Smith Freehills
- **ACCC v Oakmoore Pty Limited**
Acting for the respondents in relation to alleged cartel conduct and entry into, and giving effect to, anti-competitive contracts, arrangements or understandings
[2018] FCA 1472 – Unled; instructed by Minter Ellison
- **ACCC v Cement Australia**
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
(1) Liability: (2013) 310 ALR 165; [2013] FCA 909; (2) Penalty: [2014] FCA 148; [2014] FCA 689; (3) Appeal on penalty: (2017) 258 FCR 312; [2017] FCAFC 159 – Led by Noel Hutley SC, Sue Brown SC and Peter Franco SC and Ruth Higgins; instructed by Herbert Smith Freehills
- **ACCC v Colgate-Palmolive Pty Limited**
Acting for the first respondent in relation to alleged cartel conduct and entry into, and giving effect to, anti-competitive contracts, arrangements or understandings
[2016] FCA 528 – Unled; instructed by King & Wood Mallesons

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 2019-2025

Refugee Advice & Casework Service panel 2017-2025

Federal Court *pro bono* scheme 2018-2025

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