

**Contact**

Level 5, 99 Elizabeth St, Sydney NSW 2000  
T: 02 8039 7211

rob.davies@omniachambers.com

omniachambers.com

**Admissions**

Date of admission to the Bar	2014
Date of admission as a lawyer of the Supreme Court of NSW	2001
Admissions in other jurisdictions	New York

**Qualifications**

Master of Laws, Harvard University	2009
Bachelor of Laws, Bachelor of Arts (Hons 1), University of New South Wales (UNSW)	2001
• Editor, University of New South Wales Law Journal	1999
• UNSW Jessup Moot Team	2000

**Previous experience**

<b>Barrister, Sixth Floor Selbourne Wentworth Chambers, Sydney</b>	Sep 2014 – Dec 2023
<ul style="list-style-type: none"> <li>• Appellate</li> <li>• Administrative Law</li> <li>• Class Actions</li> <li>• Commercial and Contracts</li> <li>• Competition &amp; Consumer Law</li> <li>• Corporations Law &amp; Insolvency</li> <li>• Other Regulatory</li> </ul>	
<b>Senior Associate, Minter Ellison, Banking &amp; Finance, Sydney</b>	Nov 2010 – Apr 2013
<b>Senior Lawyer, Australian Government Solicitor, Office of General Counsel, Canberra</b>	Oct 2009 – Oct 2010
<b>Associate, Morrison Foerster LLP, Real Estate Finance, San Francisco, Tokyo</b>	Jan 2006 – Aug 2008
<b>Associate, Jones Day, Corporate &amp; Banking, Tokyo</b>	Sep 2004 – Dec 2005
<b>Associate, Baker McKenzie, Banking &amp; Finance, Major Projects, Sydney</b>	Jan 2002 – Aug 2004

# Selected cases and matters

## Appellate

***Productivity Partners Pty Ltd (trading as Captain Cook College) & Anor v ACCC & Anor (S118/2023) (On Appeal to High Court of Australia)***

Australian Consumer Law – alleged unconscionable system of conduct; knowingly concerned (Led by Jeremy Giles SC for the Appellant)

***Productivity Partners Pty Ltd (trading as Captain Cook College) & Anor v ACCC & Anor [2023] FCAFC 54; (2023) 297 FCR 180***

Australian Consumer Law – unconscionable system of conduct; knowingly concerned; unconscionable conduct regarding individual consumers (Led by Jeremy Giles SC for the Appellant)

***Lepcanfin Pty Ltd v Lepfin Pty Ltd [2020] NSWCA 155***

Contracts – expert determination clauses – whether expert exceeded mandate in determining clause in a Development Deed was a penalty (Led by Wayne Muddle SC for the Respondent)

***Unique International College Pty Ltd v Australian Competition and Consumer Commission [2018] FCAFC 155; (2018) 266 FCR 631; 362 ALR 66***

Australian Consumer Law – unconscionable system of conduct (Led by Noel Hutley SC for the Appellant)

***SZVCP v Minister for Immigration and Border Protection [2016] FCAFC 24, (2016) 238 FCR 15***

Judicial Review – denial of procedural fairness (Unled for the Appellant)

***Gooley v Motasea Pty Ltd [2015] NSWCA 31***

Corporations Act – companies membership (Led by Michael Cashion SC)

## Administrative Law

***Jajoo v Micheletto [2021] FCA 1238***

Judicial Review – denial of procedural fairness (Led by Stephen Lloyd SC for the Applicant)

***Plowman and ASIC [2020] AATA 4729***

Freedom of Information (Unled for ASIC)

***SZUHN v Minister for Immigration & Anor [2016] FCCA 635***

Judicial review – migration law (Led by Anna Mitchelmore for Respondent)

## Class Actions

***Horsky and Oil Surveillance Australia Pty Ltd v Mesoblast Limited (VID268/2022) (Ongoing)***

Class Action – alleged misleading and deceptive conduct and contravention of continuous disclosure obligations (Led by William Edwards KC for the Applicants)

***Webb v GetSwift & Ors (NSD 580 of 2018) (Settled prior to hearing)***

Class Action, Australian Consumer Law, Corporations Act – alleged misleading and deceptive conduct and breach of continuous disclosure obligations (Led by Elizabeth Collins SC for the Applicant)

***Hall v Slater & Gordon Limited [2018] FCA 2071***

Class Action and Corporations Act – application for approval of schemes of arrangement and approval of settlement of representative proceedings under s 33V of the *Federal Court of Australia Act 1976* (Cth) (Led by Noel Hutley SC for the intervener)

## Commercial and Contract Law

### ***Lepcanfin Pty Ltd v Lepfin Pty Ltd [2019] NSWSC 1328***

Contracts – construction of dispute resolution and expert determination clauses; Civil procedure – application for summary disposal (Led by Wayne Muddle SC for the Defendant)

### ***Antony and Wendy Tisch v Jeffrey Charles Hawkins NSWDC [2019] (Unpublished)***

Contracts – repudiation of contract (Led by Nicholas Nicholls SC for the Defendant)

## Competition and Consumer

### ***VE Property Pty Ltd v Sydney Water Corporation (NSD 1162/2023) (Ongoing)***

Australian Consumer Law – alleged misleading and deceptive conduct and unconscionable conduct (Led by Sera Mirzabegian SC for the Respondent)

### **Briefed to advise by Australian Competition and Consumer Commission in relation to investigation into breaches of Australian Consumer Law (2023 – Ongoing)**

Australian Consumer Law – misleading and deceptive conduct (Assisting Kate Morgan SC for the ACCC)

### **Briefed as counsel to advise an individual in relation to an ACCC cartel investigation (2023)**

Competition and Consumer Act – cartels (Unled for the individual)

### **Briefed to advise Secure Parking Pty Limited in relation to proceedings commenced by the Australian Competition and Consumer Commission (NSD668/2023)**

Australian Consumer Law – alleged misleading and deceptive conduct (Led by Kate Morgan SC for Secure Parking)

### ***Australian Competition and Consumer Commission v Optus Internet Pty Ltd [2022] FCA 1397***

Australian Consumer Law – misleading and deceptive conduct and representations (Led by Kate Morgan SC for the Respondent)

### ***Australian Competition and Consumer Commission v Productivity Partners Pty Ltd (trading as Captain Cook College) (No 3) (2021) 154 ACSR 472 and Australian Competition and Consumer Commission v Productivity Partners Pty Ltd (trading as Captain Cook College) (No 5) [2021] FCA 919***

Australian Consumer Law – unconscionable system of conduct, unconscionable conduct, whether parent company knowingly concerned, misleading and deceptive conduct and unsolicited consumer agreements (Led by Jeremy Giles SC for the Appellant)

### ***ACCC v Unique International College Pty Ltd [2017] FCA 727***

Australian Consumer Law – unconscionable conduct, misleading and deceptive conduct and unsolicited consumer agreements (Led by David Pritchard SC for the Respondent)

## Corporations and Insolvency

### ***Mink v Australian Securities and Investments Commission (2023/4245) (Ongoing)***

Corporations Act – review of a banning order under s 206F (Unled for ASIC)

***Huntley Management Limited and Australian Securities and Investments Commission [2023] AATA 2290***

Corporations Act – suspension of Australian Financial Services Licence under s 915C (Unled for ASIC)

***Australian Securities and Investments Commission v Commonwealth Securities Limited [2022] FCA 1253***

Corporations Act – contraventions of the Corporations Act, ASIC Act and Market Integrity Rules (Led by Sarah Pritchard SC for the Applicant)

***RCM Touring Pty Ltd (in liquidation) v Ralph Carr (2021/00074686) (Settled following first two days of hearing)***

Corporations Act – alleged breaches of director’s duties (Led by Daryl Williams SC for the Defendant)

***ASIC v Westpac Banking Corporation [2019] FCA 2147***

Corporations Act – Best Interests Obligations (Led by Elizabeth Collins SC for ASIC)

***Selth (in a representative capacity for members of the Australian Bar Association) v Australasian Barrister Chambers Pty Ltd (No 5) [2019] FCA 362***

Bankruptcy (Unled for the ABA)

***Australian Bar Association Ltd & Ors v Minus (No 3) [2019] FCCA 177***

Bankruptcy – application to set aside sequestration order (Unled for the ABA)

***RE Kender and Australian Securities & Investments Commission (No. 2018/5829) (Application withdrawn following hearing while reserved)***

Corporations Act – review of a banning order under s 206F (Led by Wayne Muddle SC for ASIC)

**Other Regulatory**

***Briefed to advise telecommunications carrier in relation to ACMA investigation into alleged breaches carrier licence conditions (2023)***

Telecommunications Act – licence conditions (Assisting Kate Morgan SC for the telecommunications carrier)