

CURRICULUM VITAE

ALAN SULLIVAN QC

Name: Alan John Sullivan

Date of Birth: 25 September 1951

Marital status: Married
6 children

Business Address: Eleven Wentworth
180 Phillip Street
SYDNEY NSW 2000
Tel: +61 2 9231 2936
Email: ajsullivan@wentworthchambers.com.au

Academic Qualifications: B.A (ANU) (1973)
LL.B (First Class Honours)
(ANU) 1975

Professional Qualifications: Queen's Counsel:- NSW (1 November 1990)
Victoria (28 November 1991)
South Australia (20 June 1991)
Tasmania (20 December 1991)
ACT (12 December 1990)
Northern Territory (26 April 1991)
Admitted in Papua New Guinea (1989)

General Professional Background:

1975	Tutor in Law (ANU – Contracts)
1975 – 1976	Associate to Sir Anthony Mason, High Court of Australia
1976 – 1977	Solicitor, Stephens Jaques & Stephen (now King & Wood Mallesons) – Sydney
1978 – present	In private practice at the Bar

Areas of Practice: Commercial Law, Equity, Insurance Law,
Medical & Professional Negligence,
Sports Law, Intellectual Property,
Administrative Law

Courts in which I have
Appeared:

Privy Council, High Court of Australia,
Federal Court of Australia
Supreme Courts of New South Wales,
South Australia, Northern Territory,
Australian Capital Territory, Tasmania, Western
Australia, National Court of Papua New Guinea
and the Supreme Court of Papua New Guinea,
Vanuatu Court of Appeal

Other Appointments:

1994 - 1998 Chairman, New South Wales Rugby
League Judiciary and, subsequently,
Australian Rugby League Judiciary

1988 – 2000 Commissioner, Code of Behaviour
Australian Cricket Board

2000 to date Deputy Senior Commissioner Cricket
Australia – Code of Behaviour

2000 to date Member Court of Arbitration for Sport

Sydney 2000 Olympics – Advocate for the British
Olympic Team

2008 Beijing Olympics & 2012 London Olympics
– Member of the Ad Hoc Panel of the Court of
Arbitration for Sports to Adjudicate Disputes at the
Olympics

September 2008 to date – President, Appeals
Committee, Football Federation of Australia

June 2013 and continuing – Deputy Chairman,
Adjudicatory Chamber, FIFA Ethics Committee

2013 to 2014 - Chairman, Eleven Wentworth

November 2014 – Member of Bar Council, New South
Wales Bar Association

Cases in which I have
appeared:

I have appeared in many reported and unreported cases
over the years. Leaving aside the unreported cases, most
of those only reported in specialist services and those
cases that have settled, some of the reported cases (and
more important recent unreported ones) I have appeared
in (listed by references, roughly, to the main area of law
involved) include:-

Administrative Law/Public Law

Lloyd Helicopters Pty Ltd v. Civil Aviation Safety Authority [2014] FCA 1070

XX v. Attorney General of NSW [2011] NSWSC 658

New South Wales Crime Commission v. Police Integrity Commission [2011] NSWSC 443

Aerial Taxi Cabs Co-operative Society v. Lee (2000)
102 FCR 125

Margarula v. Minister for Resources and Energy (1998)
86 FCR 195

Commonwealth of Australia v. Ling (1993) 44 FCR 397

NSW Bar Association v. Forbes Macfie Hansen Pty Limited (1988) 82 ALR 431

Minister for the Arts etc. v. Peko-Wallsend Limited
(1987) 70 ALR 523 and 75 ALR 218

Cohen v. Peko-Wallsend Limited (1986) 61 ALJR 57

Minister for Aboriginal Affairs v. Peko-Wallsend Limited (1986) 162 CLR 24

Sean Investments Pty Ltd v. MacKellar (1982) 38 ALR
363

Contract / General Commercial

Telstra Corporation Ltd v. NBN Co Ltd [2014] NSWSC
940

Seven Network (Operations) Ltd v. Brown [2013]
NSWSC 372

Trust Company Ltd v. Noosa Venture 1 Pty Ltd [2010]
NSWSC 1334

FAI General Insurance Co Ltd v. Ocean Marine Mutual Protection & Indemnity Association Ltd (1997) 41
NSWLR 559

Skywest Aviation Pty Ltd v. Commonwealth of Australia
(1995) 125 FLR 61

Ling v. Commonwealth of Australia (1994) 51 FCR 88
and 118 ALR 309

Avtex Airservices Pty Ltd v. Bartsch (1992) 107 ALR
539

*Trawl Industries of Australia Pty Ltd v. Effem Foods Pty
Ltd* (1992) 27 NSWLR 326

*Barclay Mowlem Construction Ltd v. Simon
Engineering* (1991) 23 NSWLR 451

*Hortico (Australia) Pty Ltd v. Energy Equipment Co
(Australia) Pty Ltd* (1985) 1 NSWLR 545

Corporations

In the matter of Featherston Resources Ltd [2014]
NSWSC 1139

*Lionsgate Australia Pty Ltd v. Macquarie Private
Portfolio Management Ltd* (2007) 240 ALR 385

Australian Pipeline Ltd v. Alinta Ltd (2007) 237 ALR
158 and 240 ALR 294

Bailey v. NSW Medical Defence Union (1995) 184 CLR
399

*Stillwell Trucks Pty Ltd v. Nectar Brook Investments Pty
Ltd* (1993) 115 ALR 294

Registrar-General v. Northside Development Pty Ltd
(1988) 14 NSWLR 571

Wayde v. New South Wales Rugby League Ltd (1985)
180 CLR 459

Damages

McCartney v. Orica Investments Pty Ltd [2011]
NSWCA 337

Equity / Trusts

Farah Construction Pty Ltd v. Say-Dee Pty Ltd (2007)
230 CLR 89

*Hospital Products Limited v. United States Surgical
Corporation* (1984) 156 CLR 41

Estoppel

Effem Foods Pty Ltd v. Trawl Industries of Australia Pty Ltd (1993) 36 FCR 406 and 43 FCR 510

Reed v. Sheehan (1982) 39 ALR 257

Insurance

Wallaby Grip Limited v. QBE Insurance (Australia) Ltd (2010) 240 CLR 444

National Vulcan Engineering Insurance Group Ltd v. Transfield Pty Ltd (2003) 59 NSWLR 119

Commonwealth Bank of Australia v. Baltica General Insurance Co Limited (1992) 28 NSWLR 579

Trans-Pacific Insurance Co (Australia) v. Grand Union Insurance Co Ltd (1989) 18 NSWLR 675

Intellectual Property

Cronulla Sutherland District Rugby League Club Ltd v. Nationwide News Pty Ltd [2013] NSWSC 494

Concrete Pty Ltd v. Parramatta Design & Developments Pty Ltd (2006) 229 CLR 577

Schott Musik International GmbH v. Colossal Records of Australia Pty Ltd (1997) 71 FCR 37 and 75 FCR 321

Native Title

Anderson v. Wilson (2000) 97 FCR 453

Pareroultja v. Tickner (1993) 42 FCR 32

Medical Negligence

Neville v. Lam [2014] NSWSC 607

Idamenco (No. 123) Pty Ltd v. Gross [2012] NSWCA 423

Woods v. Lowns (1995) 36 NSWLR 344

NSW Medical Defence Union Ltd v. Crawford (1993) 31 NSWLR 469

Practice & Procedure / Evidence

Pihiga Pty Ltd v. Roche (2011) 278 ALR 209

Telstra Corporation Ltd v. Minister for Broadband, Communications and the Digital Economy (2008) 166 FCR 64

Patrick Operations Pty Ltd v. Comcare (2006) 68 NSWLR 131

Kalifair Pty Ltd v. Digi Tech (Australia) Limited (2002) 55 NSWLR 737

LMI Australasia Pty Ltd v. Boulderstone Hornibrook Pty Ltd (2001) 53 NSWLR 31

GPI Leisure Corporation Ltd v. Yuill (1997) 42 NSWLR 225

McMullin v. ICI Operations Pty Ltd (1996) 69 FCR 473

Allstate Life Insurance Co v. Australia & New Zealand Banking Group Ltd (1996) 64 FCR 1, 64 FCR 44, 64 FCR 55 and 64 FCR 61

Trade Practices Commission v. Abbco Iceworks Pty Ltd (1994) 52 FCR 96

Lake Cumbeline Pty Ltd v. Effem Foods Pty Ltd (1994) 126 ALR 58

Clarke v. Bailey (1993) 30 NSWLR 556

Saffron v. FCT (1992) 109 ALR 695

Bankinvest AG v. Seabrook (1988) 14 NSWLR 711

Shaddock & Associates Pty Ltd v. Parramatta City Council (No.2) (1982) 151 CLR 590

Private International Law

British American Tobacco Australia Services Limited v. Eubanks (2004) 60 NSWLR 483

FAI General Insurance Co Ltd v. Ocean Marine Mutual Protection & Indemnity Association (1997) 41 NSWLR 117

Voth v. Manildra Flour Mills Pty Ltd (1990) 171 CLR 538

Representative Proceedings

Ryan v. Great Lakes Council (1997) 78 FCR 309

Shipping / Admiralty

Comandate Marine Corp. v. Pan Australia Shipping Pty Ltd (2006) 157 FCR 45

Braverus Maritime Inc. v. Port Kembla Coal Terminal Ltd (2005) 148 FCR 68

El Greco (Australia) Pty Ltd v. Mediterranean Shipping Co. SA (2004) 140 FCR 296

Great China Metal Industries Co. Ltd v. Malaysian International Shipping Corporation (1999) 196 CLR 161

Westpac Banking Corp. v. The "Stone Gemini" (1999) 110 FCR 47

Malaysia Shipyard v. The "Iron Shortland" (1995) 59 FCR 535

Glebe Island Terminals Pty Ltd v. Continental Seagram Pty Ltd (1993) 40 NSWLR 206

Nissho Iwai Australia Ltd v. Malaysian International Shipping Corporation (1988) 12 NSWLR 730

J. Gadsen Pty Ltd v. Strider 1 Ltd (1990) 20 NSWLR 57

Mutual Export Corporation v. Asia Australian Express Ltd (1990) 19 NSWLR 285

Re Grounding of MV "TNT Altrans" (1986) 67 ALR 107

South Coast Basalt Pty Ltd v. R.W. Miller & Co Pty Ltd [1981] 1 NSWLR 356

Tax & Revenue Law

Bluebottle UK Ltd v. Deputy Commissioner of Taxation (2007) 232 CLR 598

ANZ Banking Group Ltd v. Chief Commissioner of State Revenue (2005) 64 NSWLR 347

Collector of Customs v. Gaylor Pty Ltd (1995) 127 ALR 641

Plessey Australia Pty Ltd v. FCT (1990) 92 ALR 392

Mostyn v. DCT (1987) 73 ALR 396 and 77 ALR 424

Estate Training Associates (Australia) Pty Ltd v. Commissioner of Stamp Duties (1985) 2 NSWLR 495

Gleneping v. Commissioner of Stamp Duties (1985) 3 NSWLR 635

FCT v. Australian Guarantee Corporation Ltd (1984) 2 FCR 483

Commissioner of Pay-Roll Tax v. RG Elsegood & Co Pty Ltd (1983) 1 NSWLR 223

Thiess Toyota Pty Ltd v. FCT (1978) 23 ALR 89

Duty of Care / Tort

Caltex Refineries (Qld) Pty Ltd v. Stavara (2009) 75 NSWLR 649

Baxter v. Obacelo Pty Ltd (2001) 205 CLR 635

McMullin v. ICI Australia Operations Pty Ltd (1997) 72 FCR 1

Johnston v. Frazer (1990) 21 NSWLR 89

Trade Practices / Consumer Protection

Murphy v. Westpac Banking Corporation [2014] FCA

Tomasetti v. Brailey [2012] NSWCA 399

Pan Pharmaceuticals Ltd v. Australian Naturalcare Products Pty Ltd (2008) 165 FCR 230

Seven Network Ltd v. News Ltd (2007) ATPR (Digest) 42 - 274

Poulet Frais Pty Ltd v. The Silver Fox Company Pty Ltd (2005) 220 ALR 211

Apco Service Stations Pty Ltd v. Australian Competition & Consumer Commission (2005) 159 FCR 452

Australian Competition & Consumer Commission v. Rural Press Limited (2000) 96 FCR 141 and 389

McWilliams Wines Pty Ltd v. L.S. Booth Wine Transport Pty Ltd (1992) 25 NSWLR 723

Adamson v. New South Wales Rugby League Limited (1991) 27 FCR 535 and 31 FCR 242

Helco Pty Ltd v. O'Haire (1991) 28 FCR 230

Telmak Teleproducts (Australia) Pty Ltd v. Coles Myer Limited (1989) 89 ALR 48

Wright v. TNT Australia Pty Ltd (1988) 15 NSWLR 662

CBS Records Australia Limited v. Telmak Teleproducts (Australia) Pty Ltd (1987) 72 ALR 270

Elders International Australia Pty Ltd v Beijing Be Green Import and Export Co Ltd [2014] FACFC 185

Arbitration and Mediation

I have acted as Arbitrator in many sporting and commercial arbitrations both international and domestic. Additionally I have appeared, and continue to appear, as lead counsel in international and domestic arbitrations involving energy contracts, contracts for the sale of goods and large commercial contracts. I have also acted as mediator in a number of mediations involving commercial law or medical negligence issues.

Publications

I have had an article on Mareva Injunctions published in the Australian Bar Review and an article relating to the Role of Contract Law in the area of sport published in the Australian & New Zealand Sports Law Journal. Also, my honours thesis on "Justification for Summary Dismissal" was published by Butterworths in its "Australian Law Theses and Seminar Papers" series.

Alan Sullivan QC
March 2015