

**IAN PIKE SC**

Eleven Wentworth  
11/180 Phillip Street  
Sydney NSW 2000  
P: (02) 9232-1388  
M: 0417 671 395

E: [pike@elevenwentworth.com](mailto:pike@elevenwentworth.com)  
W: [www.elevenwentworth.com](http://www.elevenwentworth.com)

**TERTIARY  
EDUCATION**

**1986-1990 University of Sydney**

1988 Bachelor of Economics

1990 Bachelor of Laws (Honours Class 1)

**PROFESSIONAL HISTORY**

1991 Associate to the Honourable Justice D G Hill  
Federal Court of Australia, Sydney

1992-1998 Senior Associate, Mallesons Stephen Jaques  
Solicitors (now King & Wood Mallesons), Sydney

1998 to date Barrister, principally practicing in NSW

2011 Appointed Senior Counsel

**EXPERIENCE**

My experience as a solicitor was principally in advising and acting for large Australian corporates in major civil litigation, with a particular focus on Federal Court competition law litigation, including defending ACCC prosecutions. I was also involved in a number of smaller matters, in the Local, District and Supreme Courts.

At the Bar I have had, and continue to have, a broad practice, principally commercial with some public law, which ranges across a number of jurisdictions including the High Court, Federal Court, Supreme and District Courts. My principal areas of expertise include corporations law, insolvency, competition and consumer law, general equity, commercial law and professional negligence. I also have experience in relation to white collar crime, advising in relation to possible offences and also appearing in a long insider trading jury trial.

A list of some of the cases in which I have appeared is attached. Further details can be provided on request.

**IAN ROBERT PIKE****LIST OF CASES*****More Recent Cases***

A sample of some of the more recent cases in which I have appeared as a silk are set out below.

- *Dallas Buyers Club Llc v Inet Limited & Ors* [2014] FCA 1232, [2014] FCA 1320 – preliminary discovery to obtain identity of individuals downloading movies, illegally. (Federal Court of Australia).
- *Doppstadt Australia Pty Ltd v Lovick & Son Developments Pty Ltd* [2014] NSWCA 158 – misleading or deceptive conduct in relation to sale of machinery. (NSW Court of Appeal).
- *Commonwealth Bank of Australia v ZYX Learning Limited* [2014] NSWSC 1676 – claim for in excess of \$300 million against former directors of ABC Learning – summary dismissal. (NSW Supreme Court).
- *MSPR Pty Ltd v Advanced Braking Technology Pty Ltd* [2013] NSWCA 416 – claim for recovery of monies allegedly loaned; [2014] NSWCA 283 – release of monies held on account of security for costs. (NSW Court of Appeal).
- *Hodges v Sandhurst Trustees Limited* [2014] FCA 1223 – representative proceeding against trustee of Ch. 2L *Corporations Act* fund – summary dismissal/strike out. (Federal Court of Australia).
- *Rivercity Motorway Finance Pty Ltd v Aecom Australia Pty Ltd (No. 2)* [2014] FCA 713 – claim for misleading or deceptive conduct by traffic forecaster – strike out of cross-claims. (Federal Court of Australia).
- *Lion Dairy and Drinks Pty Ltd v Jacobs Group (Australia) Pty Ltd (No. 2)* [2014] FCA 897; (No. 4) [2014] FCA 896 – claim for negligent design and misleading or deceptive conduct by engineering consultant. (Federal Court of Australia).
- *King v Benecke* [2014] NSWCA 399; first instance [2013] NSWSC 568 – professional negligence by a solicitor. (NSW Court of Appeal and NSW Supreme Court).

- *Fysh v R* [2013] NSWCCA 284 – appeal from conviction of insider trading. (NSW Court of Criminal Appeal). Also appeared in 6 week jury trial.
- *Civic Video Pty Ltd v Paterson* [2014] WASC 321 – franchisor/franchisee dispute, inducing breach of contract. (WA Supreme Court).
- *Allco Funds Management Ltd v Trust Co (Re Services) Ltd* [2014] NSWSC 1296 – conflict of interest by directors, breach of fiduciary duty. (NSW Supreme Court).
- *Hung v Warner, Re Bellpac Pty Ltd* [2013] FCAFC 48 – conversion of convertible bonds, applicability of *Conveyancing Act* to personal property. (Full Court Federal Court).
- *Re Kavia Holdings Pty Ltd* [2013] NSWSC 737 – recovery of property by receivers of secured creditor. (NSW Supreme Court).
- *JEA Holdings (Aust) Pty Ltd v Registrar General (NSW) & Anor* (2013) 16 BPR 31,745 – real property, easements. (NSW Supreme Court).
- *Ballard v Multiplex* [2012] NSWSC 426; [2013] NSCA 18 – conspiracy. (NSW Supreme Court).
- *Independent Commission Against Corruption* – appeared for the Hon. Joe Tripodi in Operation Spicer.
- *Australian Executor Trustees Ltd v Provident Capital Ltd* (2012) 203 FCR 461 – appointment of a receiver to issuer of debentures under Ch. 2L *Corporations Act*. (Federal Court of Australia).
- *Expense Reduction Analysts Group Pty Ltd v Armstrong* (2012) 250 CLR 303 – return of documents allegedly handed over by mistake. (High Court of Australia).
- *Willett v Thomas* [2012] NSWCA 97; [2010] NSWSC 1311; [2010] NSWSC 984 – equity, breach of fiduciary duty, misleading or deceptive conduct. (NSW Court of Appeal, NSW Supreme Court).

### **Earlier Cases**

Some of the earlier cases in which I appeared as a junior are set out below.

- Acted as junior counsel for North Sydney Council in proceedings commenced by Lavender View Regency Pty Ltd alleging negligence of the Council in granting and thereafter refusing to grant development consent for a large scale residential development at Lavender Bay in Sydney.

- Acted for Australian Meat Holdings in relation to a large number of District Court proceedings commenced by residents of the Guyra area alleging the contraction of Q fever whilst working at AMH's abattoir at Guyra.
- Acted for Smithfield Investors Pty Ltd in private arbitration proceedings against Integral Energy concerning the interpretation of a Power Purchase Agreement entered into in relation to the operation of a co-generation power plant at Smithfield in Sydney;
- Appeared as junior counsel for Truth About Motorways Pty Ltd in High Court proceedings against Macquarie Bank concerning the standing of persons to commence proceedings seeking an injunction under s 80 of the *Trade Practices Act* – see 200 CLR 591.
- Acted for Telstra Corporation Limited in proceedings under the *Administrative Decisions (Judicial Review) Act* challenging decisions by the Australian Competition and Consumer Commission to issue certain competition notices against Telstra alleging anti competitive conduct by Telstra in contravention of the *Trade Practices Act 1974* (Cth).
- Acted for Telstra Corporation Limited in several negligence proceedings in the District Court of New South Wales against persons responsible for damaging Telstra infrastructure, e.g. severing Telstra cables during the course of construction work.
- Acted for AMP in several Administrative Decisions Tribunal proceedings commenced by tenants at the Chatswood Chase Shopping Centre alleging breaches of the *Retail Leases Act*.
- Acted for Meriton Group in various Supreme Court proceedings commenced by Deutsche Bank against Meriton seeking specific performance of a contract for the sale of a parcel of land at Rosebery.
- Acted for the Independent Group (and its associated real estate agents) in long running proceedings alleging misleading and deceptive conduct commenced by 50+ persons in the Supreme Court of the Australian Capital Territory relating to the purchase of units in what was formerly the Canberra International Hotel.

- Acted for St Barbara Mines Ltd in recent proceedings in the Supreme Court of Western Australia commenced by Westgold Resources NL alleging non disclosure by St Barbara in contravention of the *Corporations Law*.
- Acted for Telstra Corporation Limited in the long running C7 proceedings before Sackville J in the Federal Court of Australia alleging various breaches of Pt IV of the *Trade Practices Act* relating to the award of the AFL and NRL television rights in 2000.
- Acted in various proceedings in the Supreme Court of New South Wales making claims under the *Family Provision Act*.
- Appeared as junior counsel in *Butcher v Lachlan Elder Pty Ltd* in High Court proceedings concerning the circumstances in which a real estate agent will be liable for misleading or deceptive conduct – see 218 CLR 592;
- Appeared for Sydney Airports Corporation Limited at the inquest into the death of Ms Hawa Ertas.
- Appeared as junior counsel for the Department of Infrastructure Planning and Natural resources, and its Director General, at the ICAC Orange Grove Inquiry before Acting Commissioner Harrison SC (now Harrison J).
- Acted for numerous liquidators, receivers and managers and administrators in relation to various *Corporations Act* matters including examinations, extension of time applications and applications to set aside statutory demands.
- Acted for a variety of franchisees in relation to attempts by franchisors to enforce restraint of trade provisions post-termination of Franchise Agreements in the video industry.
- Appeared for St Barbara Mines Limited in proceedings in the Supreme Court of Western Australia seeking \$1.6 billion in damages for alleged breach of contract.
- Acted for Telstra Corporation Limited in proceedings commenced by Optus Communications Limited against Telstra alleging misuse of confidential information.