

TIMOTHY BOYLE

Eleven Wentworth
180 Phillip St, Sydney, NSW 2000
(02) 8231 5061
boyle@elevenwentworth.com

PROFESSIONAL

Barrister, Eleven Wentworth (2020 -)

Barrister, Tenth Floor Chambers (2016 - 2020)

Associate to the Hon Justice Perram, Federal Court of Australia (2015 - 2016)

Solicitor, Herbert Smith Freehills (2012 - 2014)

Commercial List Researcher, Supreme Court of New South Wales (2011 - 2012)

EDUCATION

Bachelor of Civil Law, Magdalen College, University of Oxford (2014)

- Advanced Property and Trusts; Conflict of Laws; International Dispute Settlement; Restitution of Unjust Enrichment

Bachelor of Laws (First Class Honours), University of Newcastle (2010)

- University Medal; Evatt Medal (awarded to the top-ranked law graduate)

Bachelor of Commerce (Finance), University of Newcastle (2008)

SELECTED MATTERS:

Commercial:

- *Acciona Industrial Australia Pty Ltd v Kwinana WTE Project Co Pty Ltd* [2021] NSWSC 1527 (led by Tim Breakspear SC) - construction dispute about energy project; application for stay pending compliance with contractual dispute resolution procedure; application under cross-vesting legislation to transfer proceeding to Western Australia
- *Australian Competition and Consumer Commission v Fuji Xerox Australia Pty Ltd* [2021] FCA 153; (2021) 150 ACSR 165 (led by Stephen Free SC) - unfair contract terms; summary dismissal; whether only hypothetical or theoretical question subject of proceeding
- *Brett Cattle Company v Minister for Agriculture, Fisheries and Forestry & Anor* [2020] FCA 732; (2020) 274 FCR 337 (led by Noel Hutley SC, Stephen Free and Christopher Withers) - class action; misfeasance in public office
- *Brett Cattle Company Pty Ltd v Minister for Agriculture (No 3)* [2020] FCA 1628 (led by Christopher Withers SC) - class action; litigation funding scheme; whether funding arrangements within exception in amended regulations dealing with litigation funding
- *Carna Group Pty Ltd v The Griffin Coal Mining Company (No 6)* [2021] FCA 1214 (led by Ian Pike SC) - breach of contract; proper measure of damages
- *First Property Holdings Pte Ltd v Nyunt* [2019] NSWSC 249 (led by Charles Colquhoun) - private international law; registration of foreign judgments
- *Habrok (Dalgara) Pty Ltd v Gascoyne Resources Ltd* [2020] FCA 1395; (2020) 149 ACSR 1 (led by Bret Walker SC and Elizabeth Boros, with Ella Delany) - corporations law;

application to set aside DOCA; alleged prior involvement of administrators and lack of disclosure to creditors

- *ICC Arbitration* (Singapore seat) (led by Ian Pike SC, Tim Breakspear and Sebastian Hartford Davis) – AUD\$300 million ICC arbitration in relation to a large LNG project
- *In the matter of Global Advanced Metals Pty Ltd* [2019] NSWSC 1804; (2019) 141 ACSR 222 (led by Ian Pike SC and Alan Shearer) – corporations law; statutory derivative action; whether shareholder should be given leave to bring case for breach of directors duties
- *O'Connor v O'Connor* [2021] NSWSC 1056 (led by David Studdy SC) – equity; fiduciary duties; alleged oral agreement in relation to shares
- *LCA Marrickville Pty Limited v Swiss Re International SE* [2022] FCAFC 17; *Swiss Re International Se v LCA Marrickville Pty Ltd (Second COVID-19 insurance test cases)* [2021] FCA 1206 (led by Ian Pike SC) – insurance; business interruption issues arising from COVID-19
- *Whisson v Subaru (Aust) Pty Ltd* (see, e.g., [2020] NSWCA 66; (2020) 101 NSWLR 890) – class action; product liability claims (led by Matthew Darke SC and James Sheller SC)

Public and Administrative Law:

- *Bolink Holdings Limited & Ors v Oriental Limited & Ors* (Supreme Court of Samoa, 2021) (led by Jeremy Kirk SC) – proceedings brought against Commissioner of Taxation seeking to pre-empt Australian taxation processes; foreign state immunity; abuse of process; forum non conveniens
- *DEF v Trappett* [2017] NSWCA 163; *DEF v Trappett* [2016] NSWSC 1698 (led by Richard Lancaster SC) – judicial review of Church disciplinary proceeding; judicial intervention in affairs of private domestic bodies; basis of jurisdiction
- *Elimatta Pty Ltd v Read* [2021] NSWLEC 75 (led by Stephen Free SC) – Class 4 proceedings; judicial review of decision to grant development consent; operation of local environment plan; statutory construction
- *Insurance Australia Limited t/as NRMA Insurance v Warren* [2019] NSWSC 1126 (unled) – judicial review of decisions of medical assessor and State Insurance Regulatory Authority; adequacy of reasons; procedural fairness; construction of Permanent Impairment Guidelines
- *Lazarus v Independent Commission Against Corruption* [2017] NSWCA 37; (2017) 94 NSWLR 36 (led by Stephen Free) – judicial review of decision of District Court; statutory construction; whether retrospective legislation contravened Ch III of the Constitution
- *James McDonald v Racing New South Wales* [2017] NSWSC 1511 (led by Bret Walker SC) – judicial review of Racing NSW disciplinary proceeding; proper construction of rules of racing
- *Millers Point Community Assoc. Incorporated v Property NSW* [2017] NSWLEC 92; (2017) 224 LGERA 407 (led by Stephen Free) – Class 4 proceedings; judicial review of decision not to heritage list building; statutory construction
- *North Parramatta Residents' Action Group v Infrastructure New South Wales (No 2)* [2021] NSWCA 146; *North Parramatta Residents' Action Group v Infrastructure NSW* [2021] NSWLEC 60 (led by Richard Lancaster SC) – Class 4 proceedings; judicial review

of decision to grant development consent; sufficiency of Environmental Impact Statement and compliance with Secretary's Environmental Assessment Requirements; statutory construction

- *Robbie v Strasburger Enterprises Pty Ltd t/as Quix Food Stores & Ors* [2017] NSWSC 363 (unled) - judicial review of decision of Workers Compensation Commission; construction of workers compensation guidelines

ADMISSIONS

New South Wales Bar (May 2016)

Supreme Court of New South Wales (April 2012)

High Court of Australia and Federal Court of Australia (April 2012)