

Justin Hewitt SC
Barrister
Eight Selborne Chambers
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BAR ADMISSION

Admitted as a barrister in 2004
Appointed Senior Counsel in 2022

AREAS OF PRACTICE

Principally banking and finance, bankruptcy and insolvency, class actions, commercial law, competition and consumer law, corporations and securities, financial services, equity, insurance, property and trusts.

OTHER ADMISSION

Admitted as a legal practitioner of the Supreme Court of New South Wales in 1996
Admitted to the Supreme Court of the State of New York in 2000
Admitted to the United States District Court for the Southern District of New York in 2007

EDUCATION

UNIVERSITY OF SYDNEY

Bachelor of Laws (First Class Honours), December 1994
Bachelor of Science, December 1992

NEW YORK UNIVERSITY SCHOOL OF LAW, New York

Master of Laws (LL.M.), May 1999
Awards: Law Council of Australia, Business Law Fellowship

PROFESSIONAL BACKGROUND

HIGH COURT OF AUSTRALIA

Canberra, August 1996 – February 1998
Associate to Justice W M C Gummow AC

FREEHILL HOLLINGDALE & PAGE (NOW HERBERT SMITH FREEHILLS KRAMER)

Sydney, January 1996 – August 1996; February 1998 – August 1998
Solicitor, Litigation and Projects Groups.

SHEARMAN & STERLING LLP (NOW A&O SHEARMAN)

New York, USA, 1999-2004, 2007
Attorney, Bank Finance and Bankruptcy and Restructuring Groups.

SELECTED CASES

Commercial (including corporations, trusts, equity, property and insurance)

- Appeared for Canadian executor of estate of Singapore deceased defendant in multi jurisdiction estate proceedings seeking to set aside anti-suit injunction and dismiss proceedings on grounds that NSW Supreme Court lacked jurisdiction: *de la Sala v de la Sala (No 2)* [2025] NSWSC 853; *Perez de La Sala v Perez de La Sala* [2025] NSWSC 1018
- Appeared for Western Suburbs Leagues Club in dispute concerning governance of leagues club: *Wayde v Western Suburbs Leagues Club Limited* [2025] NSWSC 511
- Appeared for proponent of deed of company arrangement in application for leave to transfer shares to permit sale of pastoral business and abattoir in Western Australia: *Re Yeeda Pastoral Company Pty Ltd (Subject To Deed Of Company Arrangement)* [2025] WASC 57; [2025] WASC 109
- Appeared for directors of trustee of discretionary trust in proceedings alleging breach of directors' duties: *In the matter of Gillespies Cranes Nominees Pty Ltd* [2024] NSWSC 1136
- Appeared for insured in coverage dispute under products liability policy arising from sale of defective aluminium plate to customers who incorporated that plate into marine vessels: *Capral Limited v Insurance Australia Limited t/as CGU Insurance* [2024] FCA 775
- Appearing for Australian distributor of aluminium in ongoing proceedings against Norwegian classification society in relation to certification of aluminium used in the construction of marine vessels: *Capral Limited v DNV AS* [2024] NSWSC 96
- Appearing for directors of trustee of discretionary trust in ongoing proceedings alleging breach of trust in conduct of crane hiring business: *Gillespie v Gillespies Cranes Nominees Pty Ltd* (2022) 162 ACSR 245; [2022] NSWSC 1286; [2023] NSWSC 1792
- Appeared for 'significant investor visa' applicants in proceedings alleging misleading or deceptive conduct, breach of trust and unconscionable conduct in relation to investment in a unit trust: *Shirota v Liu* [2023] FCA 1429; *Shirota v Liu (No 2)* [2024] FCA 187
- Appearing for US investment manager in ongoing proceedings relating to alleged breaches in the provision of currency hedging services provided by Australian currency manager: *Equity Trustees Limited v Tactical Global Management Ltd* [2023] FCA 1428
- Appeared for Moula Money in application relating to alleged oppressive conduct in connection with capital raising proposals: *In the matter of Moula Money Pty Limited* [2023] NSWSC 1434
- Appeared for property developer in caveat dispute relating to refinancing of development financing: *KPE Superannuation Fund Pty Limited v Two Tempe Holdings Pty Ltd* [2022] NSWSC 1708

- Appeared for ‘significant investor visa’ applicant alleging misleading or deceptive conduct, breach of trust and unconscionable conduct in relation to an investment in a real estate trust: *Liu v Option Funds Management Limited* [2022] FCA 444
- Appeared for Acciona in complex dispute concerning Acciona’s \$140 million acquisition of Lendlease’s engineering business: *Lendlease v Acciona* [2021] NSWSC 1546
- Appeared in dispute concerning the construction of documentation implementing a social benefit bond transaction *LWB QLD SBB Limited v State of Queensland* [2021] NSWSC 462
- Appeared for GrainCorp in proceedings concerning dispute over a supply contract: *Goodman Fielder Consumer Foods Pty Ltd v GrainCorp Foods Australia Pty Ltd* [2020] NSWSC 706
- Appeared for manufacturer of wastewater systems in relation to proceedings concerning defective equipment installed at desalination plant in Western Australia: *VoR Environmental Australia Pty Ltd v Taset Inc (No 2)* (2019) 385 ALR 312; [2019] FCA 1094

Regulatory proceedings

- Appeared for ASIC in civil penalty proceedings alleging contraventions by McPherson’s Ltd and its chief executive officer in relation to McPherson’s continuous disclosure obligations and issuance of cleansing notice: *ASIC v McPherson’s Ltd & Anor* (reserved)
- Appeared for ASIC in civil penalty proceedings alleging ‘greenwashing’ by Active Super in making misleading representations to members and potential members of the fund about the fund’s ‘environmental, social and governance’ or green credentials: *ASIC v LGSS Pty Ltd* [2024] FCA 587; [2024] FCA 665; [2025] FCA 205
- Appeared for ASIC in civil penalty proceedings alleging contraventions by Nuix Ltd and its directors in relation to Nuix’s continuous disclosure obligations arising from revenue forecasts in prospectus: *ASIC v Nuix Ltd & Ors* (reserved)
- Appeared for former chief executive officer of Freedom Insurance in proceedings brought by ASIC alleging breach of director’s duties and involvement in alleged contraventions of conflicted remuneration provisions of the Corporations Act: *ASIC v Cohen & Anor* (reserved)
- Appeared for ASIC in civil penalty proceedings alleging contraventions by Westpac in relation to the distribution of insurance products: *ASIC v Westpac Banking Corporation* (2022) 159 ACSR 381; [2022] FCA 515
- Appeared for ASIC in civil penalty proceedings alleging contraventions by AMP in relation to its financial planning business: *ASIC v AMP Financial Planning Pty Ltd* (2020) 142 ACSR 277; [2020] FCA 69

- Appeared for national property management company in proceedings brought by ASIC alleging the operation of a financial services business without a licence: *ASIC v Park Trent Properties Group Pty Ltd (No 3)* [2015] NSWSC 1527

Class actions

- Appeared for Honda Australia in class action alleging misleading and deceptive conduct and breaches of statutory warranties in relation to vehicles with Takata airbags: *Takata Air Bag – Class closure and registration* [2019] NSWSC 1493
- Appeared for respondents in class action in which group members sought refund of GST on off the plan apartment sales in the ACT: *Lloyd v Belconnen Lakeview Pty Ltd* (2019) 142 ACSR 445; [2019] FCA 2177; *El-Zein v Barton Nine Pty Limited as trustee of the Barton Nine Settlement* [2020] FCA 1197
- Appeared for global credit rating agency, Standard & Poor's, in series of class actions alleging negligence, misleading and deceptive conduct and misrepresentation in relation to rating of complex financial products: *City of Swan v McGraw-Hill Companies Inc* (2016) 112 ACSR 65; [2016] FCA 343; *Lifeplan Australia Friendly Society Limited v S&P Global Inc* [2018] FCA 379; *Liverpool City Council v McGraw-Hill Financial, Inc* [2018] FCA 1289

Appeals

NSW Court of Appeal

- Appeared for directors of trustee of discretionary trust in application for leave to bring statutory derivative action alleging breach of directors' duties: *Gillespie v Gillespie* (2025) 172 ACSR 183; [2025] NSWCA 24
- Appeared for property developer in caveat dispute relating to refinancing of development financing: *KPE Superannuation Fund Pty Ltd v QRM Holdings Pty Ltd* [2022] NSWCA 284
- Appeared for vendor of real property in appeal proceedings seeking to set aside orders for specific performance: *Despot v Registrar General of New South Wales* [2016] NSWCA 5
- Appeared for IPIC, the sovereign wealth fund for the United Arab Emirates, in appeal concerning construction of bond deed and valuation of shares into which A\$1.6 billion in bonds were exchangeable upon maturity: *International Petroleum Investment Company v Independent Public Business Corporation of Papua New Guinea* [2015] NSWCA 363
- Appeared in proceedings relating to claim against the estate of the late Richard Pratt brought by Ms Ashton concerning escort services provided by her: *Ashton v Pratt* (2015) 88 NSWLR 281; [2015] NSWCA 12; [2013] NSWCA 400
- Appeared in proceedings brought against purchasers for breach of contract for the sale of land: *Galafassi v Kelly* (2014) 87 NSWLR 119; [2014] NSWCA 190

- Appeared in proceedings relating to misuse of power of attorney in conveyancing transaction: *Despot v Registrar General* [2013] NSWCA 313
- Appeared in proceedings relating to dispute concerning the sale of a business: *Moon v Mun* [2013] NSWCA 217

Full Federal Court

- Appeared for insured in coverage dispute under products liability policy relating to meaning of 'property damage' and construction of exclusion clause: *Insurance Australia Ltd t/as CGU Insurance v Capral Ltd* (2025) 309 FCR 385; [2025] FCAFC 46
- Appeared for Standard & Poor's in appeal against case management order requiring affidavit from chief executive officer: *McGraw-Hill Financial, Inc v Mitsub Pty Ltd (Trustee)* [2017] FCAFC 11
- Appeared in appeal concerning voting rights attached to preference shares: *HNA Irish Nominee Ltd v Kinghorn* (2010) 78 ACSR 553; [2010] FCAFC 57

WA Court of Appeal

- Appeared for proponent of deeds of company arrangement in appeal against grant of leave to transfer shares under s 444GA of *Corporations Act* in dispute concerning expert evidence valuing shares: *Fitzroy River Limited Liability Company v Richard Scott Tucker as Joint and Several Administrator of Yeeda Pastoral Company Pty Ltd (Subject To Deed Of Company Arrangement)* [2025] WASCA 118

High Court of Australia

- Appeared in proceedings considering implied freedom of political communication: *Attorney-General (SA) v Corporation of the City of Adelaide* (2013) 249 CLR 1; [2013] HCA 3
- Appeared in proceedings considering implied freedom of political communication: *Monis v R* (2013) 249 CLR 92; [2013] HCA 4
- Appeared in proceedings considering dispute relating to rights of unitholders under a managed investment scheme: *Westfield Management Ltd v AMP Capital Property Nominees Ltd* (2012) 247 CLR 129; [2012] HCA 54
- Appeared in proceedings considering consequences of trial judge being asleep during trial: *Cesan v R; Mas Rivadavia v R* (2008) 236 CLR 358; [2008] HCA 52
- Appeared in proceedings considering correct approach to application to strike out pleadings: *Favell v Queensland Newspapers Pty Ltd* (2005) 221 ALR 186; [2005] HCA 52
- Appeared in proceedings considering scope of liability in negligence of public authorities in respect of obvious risks: *Mulligan v Coffs Harbour City Council* (2005) 223 CLR 486; [2005] HCA 63