



LUCA MORETTI
Barrister

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ADMISSIONS

- 2022** Barrister, New South Wales Bar
- 2018** Solicitor, Supreme Court of New South Wales

ACADEMIC

- 2018 - 2019** **University of Oxford**
BCL (Distinction)
Vinerian Scholarship for Best Performance in the BCL (aeq)
Law Faculty Prize for Law and Society in Medieval England
Peter Birks Prize for Restitution of Unjust Enrichment
Myers Scholarship (awarded by Christ Church, Oxford)
Hannah Fullerton and Charles Herbert Currey Memorial Scholarships (awarded by University of Sydney)
- 2012 - 2017** **University of Sydney**
LLB (First Class Honours) (2017); BA (History) (2014)
Nancy Gordon Smith Prize for Honours at Graduation – awarded to top five LLB graduates
ED Roper Memorial Prize No 2 for Equity and Corporations Law
University of Sydney Academic Merit Prizes for law and history
LexisNexis Book Prize No 3 for Most Proficient in Combined Law III
George and Matilda Harris Scholarship No IIB for Third Year of Combined Law

EXPERIENCE

- Since 2022** **Barrister**, Banco Chambers
- 2021 - 2022** **Counsel Assisting the Solicitor-General of the Commonwealth**
Assisted Dr Stephen Donaghue KC with the provision of advice to the Commonwealth government and preparation of litigation on its behalf. Appeared as junior counsel in the High Court of Australia.
- 2020 - 2021** **Associate to the Hon Justice Virginia Bell AC**, High Court of Australia
- 2020** **Tutor**, ANU College of Law (torts, constitutional law)
Awarded ANU College of Law Excellence in Education Award.

2017 - 2020 **Solicitor, Herbert Smith Freehills**

Practice groups: disputes (commercial litigation, regulatory proceedings and class actions);
corporate (equity capital markets and mergers and acquisitions)

SELECTED MATTERS

Commercial and regulatory

Stillwater Pastoral Company Ltd v Stanwell Corporation Ltd (FCA file no. QUD129/2025; ongoing) – competition law, alleged breach of s 46(1) of the *Competition and Consumer Act 2010* (Cth) by Queensland electricity generators (led by RCA Higgins SC and DR Roche SC, instructed by Herbert Smith Freehills Kramer)

Alexiou v Australia and New Zealand Banking Group Limited (FCA file no. NSD719/2020; ongoing) – challenge to privilege claims made by the respondent (led by A Hochroth, instructed by YPOL Lawyers)

ASIC v Bekier (FCA file no. NSD 1082/2022; ongoing) – corporations law, alleged breaches of s 180 of the *Corporations Act 2001* (Cth) by current and former directors and officers of The Star Entertainment Group Ltd (led by RCA Higgins SC, J Arnott SC and S Patterson, instructed by Norton Rose Fulbright)

Horizon Capital Fund (Luxembourg Business Registration No. B218924) v Insurance Australia Ltd (NSWSC file no. 2022/00250607; ongoing) – insurance, dispute concerning trade credit insurance policy and authority of underwriter (led by PA Horvath SC, instructed by Kennedys (Australasia) Partnership)

Rinehart litigation (ongoing) – equity and trusts, dispute concerning alleged breaches of trust and fiduciary duties (led by CH Withers SC and A Hochroth, instructed by YPOL Lawyers)

Playoust v Australian Enterprise Holdings Pty Ltd (NSWSC file no. 2022/00387537; ongoing) – equity, dispute concerning family trust (led by NM Bender SC, instructed by Arnold Bloch Leibler)

Transport for NSW v Hunt Leather Pty Ltd (HCA file nos. S20/2025 and S21/2025; judgment reserved) – torts, appeal concerning: (i) claims for private nuisance arising from the construction of the Sydney Light Rail; and (ii) whether a tortfeasor can be liable to pay a litigation funding commission as damages (on which topic I made oral submissions in the High Court) (led by JT Gleeson SC in the High Court and NJ Owens SC in the Court of Appeal, instructed by Lander and Rogers)

McCoy v Hino Motors Ltd [2025] VSC 447 – class action, consumer law, acting for the class in a representative proceeding brought against Hino Motors, including in relation to an application for leave to appeal from a judgment awarding carriage and at the settlement approval hearing (led by D Barnett SC, instructed by Maurice Blackburn Lawyers)

Evans v Air Canada [2025] HCA 22; 99 ALJR 941 – aviation law, appeal concerning whether certain defences available to an air carrier under the 1999 Montreal Convention were waived by Air Canada's "International Tariff General Rules" (led by JT Gleeson SC and G O'Mahoney, instructed by Norton White)

Saffari v Latitude Financial Services Australia Holdings Pty Ltd [2025] FCA 6 – acting for DXC Technology Australia Holdings Pty Ltd successfully resisting joinder to proceeding concerning data breach in respect of Latitude customers (led by JR Williams SC at first instance and in respect of an application for leave to appeal, instructed by Arnold Bloch Leibler)

Kane & Co (NSW) Pty Ltd v Idolbox Pty Ltd [2024] NSWCA 278 – contract law, construction of a special condition in a contract for the sale of a petrol station (led by JT Gleeson SC and M Sheldon, instructed by Sparke Helmore Lawyers)

Compumod Investments Pty Ltd v Universal Equivalent Technology Ltd [2024] FCA 917 – class action, allegations of misleading or deceptive conduct against a company and its accounting advisers in respect of a prospectus for an

offer of simple corporate bonds, settled shortly before trial (led by PJ Brereton SC, instructed by Ashurst; appeared unled at the approval hearing for the settlement of claims against the third to sixth respondents)

Jennings v Jaguar Land Rover Australia Pty Ltd [2024] FCAFC 62 – class actions procedure, successful application for leave to appeal arising from a denial of procedural fairness as part of a carriage dispute (led by CA Moore SC and D Barnett, instructed by Maurice Blackburn Lawyers)

Productivity Partners Pty Ltd v ACCC; Wills v ACCC [2024] HCA 27; 98 ALJR 1021 – regulatory law, related appeals concerning: (i) liability of a VET provider for unconscionability under s 21 of the *Australian Consumer Law*; and (ii) the principles applicable to accessorial liability for contraventions of the *Australian Consumer Law* (led by the Solicitor-General of the Commonwealth (SP Donaghue KC), O Bigos KC and S Patterson, instructed by Johnson Winter Slattery)

Cessnock City Council v 123 259 932 Pty Ltd [2024] HCA 17; 98 ALJR 719 – contract law, appeal concerning availability of reliance damages for breach of contract (led by JT Gleeson SC, instructed by Holding Redlich)

Laundy Hotels (Quarry) Pty Ltd v Dyco Hotels Pty Ltd (2023) 276 CLR 500 – contract law, appeal concerning a contract for the sale and purchase of the property and assets of a hotel business that required the vendor to carry on business in the "usual and ordinary course as regards its nature, scope and manner", effect of public health orders introduced in response to the COVID-19 pandemic (led by JT Gleeson SC, instructed by JDK Legal)

Lantrak Holdings Pty Ltd v Yammine [2023] FCAFC 156 – appeals concerning misleading or deceptive conduct in relation to the sale of a business and principles applicable to the stay of a proceeding as an abuse of process (led by RCA Higgins SC and L Hawas, instructed by Baker & McKenzie)

Boral Resources (Vic) Pty Ltd v RW & ME Smith Pty Ltd [2023] HCASL 197 – contract law, special leave application concerning principles for assessing damages for repudiatory breach where the contract contains a right to terminate with notice that could have been exercised lawfully (led by RCA Higgins SC, instructed by Australian Business Lawyers & Advisors)

BCC Trade Credit Pty Ltd v Thera Agri Capital No 2 Pty Ltd [2023] NSWCA 20 – insurance, construction of a trade credit insurance policy in respect of a Murabaha finance agreement (led by JT Gleeson SC and PA Horvath SC, instructed by Kennedys (Australasia) Partnership)

Sanda v PTTEP Australasia (Ashmore Cartier) Pty Ltd (FCA file no. NSD 1245/2016); *Harbour Fund II LP v Cashman* (FCA file no. NSD 715/2022); *Sanda v Maurice Blackburn Pty Ltd* (NSD 716/2022) – class actions procedure, acting for Maurice Blackburn in a number of proceedings arising out of the *Sanda v PTTEP* class action in which it was solicitor on the record (led by A Bannon SC, CA Moore SC and RA Yezerski, instructed by Arnold Bloch Leibler)

Public law

Kapterian v Boele (Court of Disputed Returns; ongoing) – electoral law, electoral petition challenging the election of Ms Boele as Member of Parliament for the Division of Bradfield (led by RCA Higgins SC, instructed by Ripple Legal)

Murray Lower Darling Rivers Indigenous Nations v Commonwealth [2025] FCA 1029 – administrative law, challenge to the decision of the Murray Darling Basin Authority to recommend accreditation of the *Water (Accredited Water Resource Plan – NSW Murray Darling Basin Fractured Rock) Instrument 2022* (Cth) (led by FI Gordon KC, instructed by Australian Government Solicitor – drafted written submissions but unable to appear at hearing)

Galuak v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2024] HCASL 22 – constitutional law, responding to an application to remove a challenge to the validity of s 34(2)(b)(ii) of the *Australian Citizenship Act 2007* (Cth) into the High Court (led by FI Gordon KC, instructed by Australian Government Solicitor)

Benbrika v Minister for Home Affairs (2023) 280 CLR 1 – constitutional law, appeal concerning validity of s 36D of the *Australian Citizenship Act 2007* (Cth), which provides for citizenship cessation following conviction for certain national security offences (led by SP Donaghue KC and FI Gordon KC, instructed by Australian Government Solicitor)

Jones v Commonwealth of Australia (2023) 280 CLR 62 – constitutional law, proceeding in the original jurisdiction concerning the validity of s 34(2)(b)(ii) of the *Australian Citizenship Act 2007* (Cth), which provides for revocation of citizenship following conviction for criminal offences committed prior to the acquisition of citizenship (led by SP Donaghue KC and FI Gordon KC, instructed by Australian Government Solicitor)

AIO21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2023] HCATrans 17 – migration law, special leave application concerning operation of s 501CA(4) of the *Migration Act 1958* (Cth) (led by DJ Hooke SC and SH Hartford-Davis, instructed by Hearn Legal)

Goldsmith v Stinson [2023] HCASL 112 – practice and procedure, special leave application concerning the power of the Federal Circuit and Family Court of Australia (Div 1) to stay or vary property settlement orders made under s 79 of the *Family Law Act 1975* (Cth) (led by MP Kearney SC, instructed by Phillips Family Law)

Spall v Minister for Home Affairs (HCA file no. M11/2023; discontinued) – constitutional law, application to remove a challenge to the validity of s 34(2)(b)(ii) of the *Australian Citizenship Act 2007* (Cth) into the High Court (led by FI Gordon KC, instructed by Australian Government Solicitor)

Alexander v Minister for Home Affairs (2022) 276 CLR 336 – constitutional law, proceeding in the original jurisdiction concerning the validity of s 36B of the *Australian Citizenship Act 2007* (Cth), which provides for citizenship cessation for certain foreign terrorist fighters (led by SP Donaghue KC, PD Herzfeld SC and JD Watson, instructed by Australian Government Solicitor)

Smit Lamnalco Towage (Australia) Pty Ltd v Newcastle Port Corporation t/as Port Authority of New South Wales (NSWSC case no. 2022/00325467; settled) – administrative law, judicial review proceeding concerning licences issued to tugboat operators (led by SJ Free SC, instructed by Herbert Smith Freehills)

Unled matters

In addition to various directions hearings and case management conferences, my unled matters have included:

Blanch v Smith [2025] NSWCA 188 – constitutional law, application for an AVO under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), appearing for the Attorney-General of New South Wales at first instance in the Local Court, on appeal in the District Court and against silk (A Cheshire SC) in a proceeding in the supervisory jurisdiction of the Court of Appeal responding to an argument that the legislative scheme for AVOs is unconstitutional (instructed by NSW Crown Solicitors' Office)

Pacific 8 Pty Ltd (ACN 605 494 184) v National Australia Bank Limited (ACN 004 044 937) (Supreme Court file no. 2025/00310017) – ex parte application for freezing orders (instructed by Summer Lawyers)

STM123 No. 28 Pty Ltd (ACN 636 937 829) & Ors v Eastern Suburbs Commercial Pty Ltd & Anor (ACN 128 411 110) (Supreme Court file no. 2023/00248177) – application to limit access to telephone records produced on subpoena (instructed by Hitch Advisory)

Dennis v Smith (Local Court file no. 2024/00220187) – constitutional law, appearing for the Attorney-General of New South Wales in response to a challenge to the validity of s 38S of the *Anti-Discrimination Act 1977* (NSW), which prohibits the vilification of transgender persons (instructed by NSW Crown Solicitors' Office)

Blanch v Smith & Binary Australia Ltd (Local Court file no. 2024/78280) – constitutional law, appearing for the Attorney-General of New South Wales in relation to another challenge to the validity of s 38S of the *Anti-Discrimination Act 1977* (NSW) (instructed by NSW Crown Solicitors' Office)

R v Langford (District Court file no. 2023/00063596) – constitutional law, prosecution of an individual for posting bills on the statue of Governor Macquarie in Hyde Park in contravention of s 6 of the *Graffiti Control Act 2008* (NSW), appearing for the Attorney General of New South Wales responding to an argument that that provision is unconstitutional (instructed by NSW Crown Solicitors' Office)

Australasian Centre for Corporate Responsibility v Santos Ltd (FCA file no. NSD858/2021) – advising and appearing for an expert witness engaged by the applicant in relation to a subpoena and the making of an application for non-publication/suppression orders (instructed by Johnson Legal – Australian Environmental Lawyers)

Timberwolf Planting Pty Ltd v Ferguson [2023] NSWSC 903 – resisting an application to stay costs order made by the Local Court (instructed by Holding Redlich; appearing against silk (AC Harding SC))

Zhu v Liu (District Court of NSW) – contract, claim in debt for unpaid loans (instructed by Concisus Legal)

Hall v New South Wales Rural Assistance Authority (NSWSC case no. 2023/00084252; settled) – administrative law, judicial review proceeding concerning applications to the Authority for a "drought freight subsidy" (instructed by NSW Crown Solicitors' Office)

Harper and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration) [2022] AATA 3148 – migration law, review of a decision not to revoke the cancellation of a visa pursuant to s 501CA of the *Migration Act 1958* (Cth) (instructed by Australian Government Solicitor)

Opinions

I have provided various opinions on questions concerning statutory construction, constitutional law, contract law, insurance law, electoral law, employment law and professional discipline for companies, statutory agencies, professional associations and Commonwealth and State governments.

PUBLICATIONS & OTHER EXPERIENCE

Invited to contribute to an upcoming collected edition entitled *Australian Restitution in the 21st Century* to be edited by Timothy Pilkington and David Winterton and published by Federation Press

"The employer's duty to take reasonable care for the mental health of an employee" [2022] (Winter) *Bar News* 32

"Book review: M Barnes QC, *The Law of Estoppel* (Hart Publishing, 2020)" (2020) 36 *Journal of Contract Law* 292

"Certainty and promissory estoppel after *Crown Melbourne Ltd v Cosmopolitan Hotel (Vic) Pty Ltd*" (2017) 31(3) *Commercial Law Quarterly* 3

"Determining pecuniary penalties under the National Credit Act and Code: *Make it Mine Finance Pty Ltd, in the matter of Make it Mine Finance Pty Ltd (No 2)* [2015] FCA 1255", *Corporate Law Bulletin*, Bulletin No. 220 (17 December 2015)

Refugee Advisory Case Service, volunteer (2017 - 2019)