

GREENS LIST

BARRISTERS



HAYDN CARMICHAEL

BAR ROLL: 1992 | ADMITTED: 1982

Haydn Carmichael has a broadly based commercial advice and trial practice encompassing corporations law, equity, competition and trade practices law, market regulation and judicial review.

PHONE: +61 3 9225 6406

MOBILE: 0411 100 602

EMAIL: carmichael@vicbar.com.au

CHAMBERS: Owen Dixon Chambers West

EXPERTISE

Commercial Law | Corporations Law & Securities Law | Criminal Law | Environmental Law & Planning Law | Equity & Trusts Law | Public Law & Administrative Law

PROFILE

Haydn Carmichael has a broadly based commercial advice and trial practice encompassing corporations law, equity, competition and trade practices law, market regulation and judicial review. Haydn acts in commercial crime and civil penalty proceedings. Haydn has experience in Wickenby and post Wickenby tax and regulatory proceedings.

Haydn is full familiar with *national security information* criminal and civil procedure.

Following admission to practice, Haydn worked as a duty lawyer and test case litigator with the Legal Aid Commission of Victoria, thereafter with Philips Fox where he was a Senior Associate before call to the Victorian Bar.

A summary of cases in which Haydn is currently engaged is available on request.

Haydn is married to a scientist, father to two, would write if he had time, produced a documentary film *Seriously Singing* when he thought he had more time than he did to tell a story, amongst other things during the national curriculum debate, of the importance of singing and music in a culturally literate public education.

Haydn has acted in matters involving *Commonwealth national security* legislation. He currently acts for Witness K.

He advises and acts in *environment law matters* including *judicial review* of environment regulator decision making under state laws and the Cmth EPBC Act.

Haydn acts for defendants in *environment law* prosecutions and in a range of 'white collar' *regulatory and criminal breach proceedings* under taxation laws and Corporations law.

Haydn has knowledge and experience in National Electricity Law and National Electricity Market regulation.

Haydn currently acts in test case matters concerning environment regulation by the Environment Protection Authority.

RECENT CASES



Joyce v Sunland Waterfront (BVI) [2011] FCAFC 95 - Whether witness voluntarily giving evidence by video link from overseas breaches sovereignty; stay of proceedings



Sunland Waterfront (BVI) Ltd v Prudentia and Ors (No 2) [2012] VSC 239 - This proceeding was cross vested from the Federal Court to the Victorian Supreme Court for trial. Prior to transfer there occurred 19 interlocutory applications including as to the taking of evidence from witnesses out of the jurisdiction (the appeal decision is noted above); and subsequent to trial as to indemnity costs; Sunland Waterfront(BVI) v Prudentia (No 3) [2012] VSC 399



Sunland Waterfront (BVI) Ltd v Prudentia and Ors (No 1) [2012] VSC 1 -Private International Law: Application for Anti- Suit injunction in relation to foreign proceedings - Court of Appeal and subsequent stay of judgement and special leave applications; see Sunland Waterfront (BVI) Ltd v Prudential Investments Pty Ltd [2013] VSCA 237; [2013] VSCA 265; [2013] VSCA 266



Howard v Commissioner of Taxation (No 3) [2012] FCA 352 - Acting for the taxpayer in taxation appeals concerning the fundamentals of a joint venturer's fiduciary duty - trusts law and the assessment of proceeds flowing from offshore non-resident trust share buy back transactions



Howard v Commissioner; Commissioner v Howard [2012] FCAFC 149



R v Emini and Blumberg [2011] VSC 236 - Acting on behalf of a director in criminal prosecution for breach of directors duties following the collapse of OPES PRIME



ASIC v Soust [2010] FCA 68 - Acting for director in defence of market manipulation - creating a false market and breach of directors duties allegations in a civil penalty proceeding



Whittlesea Juventus International Football Club Inc v Football Federation Victoria Inc [2009] VSC 123 - Interlocutory injunction to restrain administration of competition restructure




ASIC v Mining Projects Group Ltd and Ors [2007] FCA 1620 - Interlocutory proceeding in civil penalty proceeding alleging breach of directors duties inter alia in making a false and misleading announcement to the market concerning the mineralisation and exploration potential of a mining tenement contrary to s 1041H Corporations Law; insider trading and breach of JORC Code reporting obligations inter alia pursuant to ASX Listing Rules. ASIC subsequently withdrew the proceeding.

Memberships & Committees

[Victorian Bar](#)

To get in touch with Haydn Carmichael | or for more information please contact the Clerk on:

 +61 3 9225 6406

 clerkb@greenslist.com.au

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