

# CLAIRE ROBERTS

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## OVERVIEW

Claire was admitted to practice in 2011 and worked in Australia, London and New York before being called to the bar in 2019. She served as a Federal Court associate and undertook secondments to the Sydney offices of two major financial institutions while working as a solicitor. Claire graduated as a James Kent Scholar from a Master of Laws at Columbia University in New York and with Honours from a Bachelor of Laws at the University of Melbourne. She is admitted in Australia, England and Wales.

At the bar, Claire appears led and unled and advises in relation to commercial and public law matters. She has recently been briefed in class action proceedings, and for regulators, companies, media and government. Claire also holds a number of professional positions, including as reporter for the New South Wales Law Reports and an editorial board member of the *Internet Law Bulletin*.

## PRINCIPAL AREAS

Administrative / public	2	Appellate	3	Class actions	3
Commercial / equity	3-4	Defamation / media	4	Industrial / employment	4
Inquests / inquiries	5	Intellectual property	5	Trade practices / competition	5

## ADMISSIONS & EDUCATION

2019	Admitted as an Australian barrister
2018	<b>Columbia University, New York, United States</b> <i>Master of Laws (James Kent Scholar – equivalent of First Class Honours)</i>
2017	Admitted in England and Wales, following completion of Qualified Lawyers Transfer Scheme
2011	Admitted as an Australian solicitor
2010	<b>University of Melbourne</b> <i>Bachelor of Laws (Honours) / Bachelor of Arts (Media and Communications)</i>

## PROFESSIONAL HISTORY

2019	AMP Capital, Sydney - <i>Senior Legal Counsel, as Allens Senior Associate secondee</i>
2018	Kaplan Hecker & Fink LLP, New York, United States - <i>Law Clerk</i>
2017	Knight First Amendment Institute, New York, United States - <i>Legal Intern</i>
2015 – 2017	Linklaters LLP, London, United Kingdom - <i>Associate, Dispute Resolution</i>
2014 – 2015	Federal Court of Australia - <i>Associate to the Honourable Justice Jacobson</i>
2011 – 2014	Ashurst, Melbourne and Sydney - <i>Graduate then Lawyer, Disputes - secondment to UBS AG during 2014</i>

## CURRENT PROFESSIONAL POSITIONS

Reporter	New South Wales Law Reports
Editorial Board	<i>Internet Law Bulletin</i> (LexisNexis)
Editorial Assistant	<i>Communications Law Bulletin</i> (Communications and Media Law Association)
CPD Co-Coordinator	Women Barristers Forum, New South Wales Bar Association

## SELECTED MATTERS

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### Administrative / public

- *Todd v South Eastern Sydney LHD* [2021] NSWSC 1288, for LHD resisting injunction regarding medical treatment  
**Unled**, instructed by Crown Solicitor's Office
- *FGS20 v Minister for Home Affairs* [2021] FCA 874, for respondents resisting interim relief  
**Unled**, instructed by Australian Government Solicitor
- *Windley v Nominal Insurer* [2021] NSWSC 1125, for employer regarding question of adequacy of reasons  
**Unled**, instructed by Hicksons
- *CGP21 v Minister for Home Affairs* [2021] FedCFamC2G 11, for respondents re whether mandamus should issue  
**Unled**, instructed by Australian Government Solicitor
- *North East Forest Alliance v Commonwealth* NSD773/2021 (*ongoing*), for applicant re alleged breach of duty  
With J Kirk SC, James Johnson, instructed by Environmental Defenders Office
- *FJI20 v Minister for Home Affairs* [2021] FedCFamC2G 88, for resp re claim regarding *Racial Discrimination Act*  
**Unled**, instructed by Australian Government Solicitor
- *Sleiman v Gadalla* [2021] NSWSC 86, for employer regarding question of statutory interpretation  
Led by B Tronson, instructed by Turks Legal
- *Lancaster v Foxtel Management Pty Ltd* [2021] NSWSC 745, for employer regarding application for judicial review  
Led by B Tronson, instructed by Barker Henley
- *Sakr v Merrylands Preschool* NSWSC 2021/57714 (*reserved*), for employer in judicial review application  
**Unled**, instructed by Bartier Perry
- *Kempe v Complete Community* NSWSC 2021/22152 (*remitted*), for employer, jurisdictional error agreed and remitted  
**Unled**, instructed by Holman Webb
- *Craigie v Faircloth & Reynolds Pty Ltd and Ors* [2021] NSWSC 1211, for employer re administrative reasons error  
Led by B Tronson, instructed by Hicksons
- *FJU20 v Minister for Home Affairs* (*part-heard*), for respondents regarding claim in connection with guardianship  
**Unled**, instructed by Australian Government Solicitor
- *FJH20 v Minister for Home Affairs* [2021] FCCA 1480, for respondent opposing issue of writ of habeas corpus  
Led by P Knowles, instructed by Australian Government Solicitor
- *Russo v Workzone PIC* 1527/17 (*unreported*) for employer, regarding question of interpretation  
**Unled**, instructed by Hicksons
- *FJS20 v Minister for Home Affairs* [2021] FCCA 754, for respondent opposing issue of writ of habeas corpus  
Led by P Knowles, instructed by Australian Government Solicitor
- *FGS20 v Minister for Home Affairs* [2021] FCCA 653, for respondent opposing issue of writ of habeas corpus  
Led by P Knowles, instructed by Australian Government Solicitor

## SELECTED MATTERS - continued

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### Appellate

- *Sydney Cosmetic v Hu* NSWCA 2021/103514 (*reserved*), for appellants challenging summary judgment decision  
Led by A Cheshire SC, instructed by Dentons
- *Hastwell v HCCC* [2021] NSWCA 22, for HCCC re alleged breach of procedural fairness  
Led by B Tronson, instructed by Health Care Complaints Commission
- *Sleiman v Gadalla* [2021] NSWCA 236, for employer regarding statutory interpretation question  
Led by B Tronson, instructed by Turks Legal
- *Almona v Parklea* [2021] NSWCA 171, for first respondent / cross-appellant re breaches of duties / fraud  
Led by K Andronos SC, S Keizer, instructed by Norton Rose Fulbright
- *Jackson v R* [2020] HCASL 142; [2020] NSWCCA 5, for appellant re use of tendency evidence  
Led by I E Davidson SC, instructed by Blake Lawyers
- *Secretary, Commonwealth Attorney General's Department & Bashir* [2021] FamCAFC 137, for appellant  
Led by B Kaplan, instructed by Australian Government Solicitor

### Class actions

- *Prygodicz v Cth of Australia* FCA VID1252/2019, for Cth re alleged 'robodebts' (*settled first day of trial*)  
Led by M Hodge QC, Z Maud, M Costello, N Bentley, instructed by Australian Government Solicitor
- *Thomas v Commonwealth Financial Pl* FCA VID559/2020 ([2021] FCA 665, *ongoing*), for applicants  
Led by A Martin SC, T Bagley, instructed by Shine Lawyers
- Takata Airbags Class Action (ats Toyota, Subaru, Honda, BMW, Nissan, Mazda), for plaintiffs (*settled*)  
Led by E Holmes, B Hancock, instructed by Quinn Emanuel Urquhart & Sullivan

### Commercial / equity

- *Metal Storm (in liq)* [2019] NSWSC 1667; [2019] NSWSC 1682, for cross-claimant (*settled part-way through trial*)  
Led by I M Jackman SC, D Klineberg, instructed by Atanaskovic Hartnell
- *Woolworths v Twentieth* [2021] NSWSC 344, for plaintiff in dispute re force majeure clause  
Led by N Owens SC, instructed by Mills Oakley
- *Boyded v Gateway* [2020] NSWSC 1368, for plaintiff, regarding claim of unlawful penalty  
Led by G Farland, instructed by HWL Ebsworth
- *Choras v Farmakidis* [2020] NSWSC 367, for defendant, successfully opposed extension of time  
Led by I E Davidson SC, instructed by Sparke Helmore
- *In the matter of HIH (in liq)* NSWSC 58663/2001 (*unreported*), for applicants  
Led by M Izzo SC, instructed by Ashurst
- *Daiwa v Rubenstein* NSWSC 2020/207158 (*ongoing*), for plaintiffs in contractual dispute  
Led by J Stoljar SC, J Hutton, instructed by Clayton Utz

## SELECTED MATTERS - continued

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### Commercial / equity – continued

- *Ashkani v Arnold* 2020/00179934 (*unreported*), for defendant re loan made to business  
**Unled**, instructed by Cockburn & Co
- *Beenak v Innovative Piling* LCNSW 2020/54270 (*settled*), for defendant re alleged variations to contract  
**Unled**, instructed by Fairweather Legal
- *McMillan v Coolah Home Base* 2020/44327 for respondents regarding various interlocutory motions  
**Unled** at interlocutory hearings, instructed by Mid-West Legal

### Defamation / media

- *Murphy v Nationwide* [2021] FCA 381; (*No 2*) [2021] FCA 432, for media regarding publications in the *Telegraph*  
Led by D Sibtain, instructed by Ashurst
- *Hafertepen v Channel 10* [2020] FCA 1456, for media regarding settlement in connection with *The Project*  
Led by B Tronson, instructed by Macpherson Kelley
- *Kermani & Ors v Seervai* [2021] NSWDC 449, for plaintiffs at objections hearing (briefed after pleading filed)  
**Unled**, instructed by Prakash Lawyers
- *Ghasemi v GT Law* NSWDC 2020/352024 (*discontinued*), for defs re alleged defamation in solicitor correspondence  
Led by D Sibtain, instructed by Sparke Helmore
- *O'Shanassy v Turland* NSWDC 2017/00384953 (*ongoing*), for plaintiff re statements made at public Council meeting  
Led by R Rasmussen, instructed by Agility Legal
- *Hamod v Hamcarr* NSWDC 2019/163102 (*ongoing*), for plaintiff regarding statements on social media about business  
Led by M Lewis, instructed by Mark O'Brien Legal

### Industrial / employment

- *Nicholls v Commonwealth Bank* FCA (*settled*), for worker re various relating to employment  
Led by J Kirk SC, A Britt, instructed by Harmers
- *UWU v Phoenix Lacquer* 2020/00038716 (*settled*), for employer in dispute arising out of end of employment  
**Unled**, instructed by Coleman Greig
- *Xiao Dan Li v Tyres 4 U Pty Ltd* FWC 2021/4322 (*settled*), for employer, re dispute arising out of end of employment  
**Unled**, instructed by Coleman Greig
- *Deidun v Nordson* [2021] FWC 6040, for employer regarding extension of time related jurisdictional objection  
**Unled**, instructed by Coleman Greig
- *Alipate Tovuka v TQM Design and Construct* FCC SYG1386/2021 (*settled*), for employee seeking pre-action discovery  
**Unled**, instructed by Marrickville Legal Centre

## SELECTED MATTERS - *continued*

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### Inquests / inquiries

- Inquest into death of Cpl Ian Turner (2021), for Commonwealth during 2021 hearing dates of coronial inquest Led by J Single SC with J Edwards and S Love, instructed by Australian Government Solicitor
- Inquest into death of Kay Stanley (2014), for V/Line rail at inquest into rail crossing death of motor vehicle driver As solicitor at Ashurst
- Acted for major bank in relation to Financial Conduct Authority investigation into FX trading at Linklaters LLP
- Responding to various regulatory inquiries while on secondments as a solicitor to UBS AG and AMP Capital

### Intellectual property

- Recent advices on designs, trade marks, misuse of confidential information and copyright
- *Apotex Pty Ltd v AZ (No 4)* [2013] FCA 162, acted for AstraZeneca in patent dispute regarding rosuvastatin As a solicitor at Ashurst

### Trade practices / competition

- *ACCC v Oscar Wylee (settled, penalty: [2020] FCA 1340)*, for company re advertising regarding charity initiatives Led by V Brigden, instructed by Mid-West Law Practice
- *Grenke v Nicvic Pty Ltd* NSWLC 2019/163501 (*unreported*), for defendants re claim made in connection with invoices **Unled**, instructed by Berger Kordos
- *Latham v Monkeys Resort* NCAT 2019/38707 (*settled*), for company re claim made in connection with holiday **Unled**, instructed by Nicholas O'Donohue & Co

## RECENT PUBLICATIONS

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- 'No comments? – High Court finds media “published” third-party comments' (2021) 24(4) *Internet Law Bulletin* 72
- 'Guidance from the Full Court on whether a mobile phone is a computer (yes, it is)' (2021) 24(1) *Internet Law Bulletin* 9
- Declaratory Judgments (2021) *Court Forms, Precedents and Pleadings, New South Wales* (LexisNexis)
- 'New York media law update' (2020) 23 *Media & Arts Law Review* 369
- Apologies (2020) *Encyclopaedia of Forms and Precedents* (LexisNexis)
- Letters of Comfort and Letters of Intent (2020) *Encyclopaedia of Forms and Precedents* (LexisNexis)
- 'Building rapport online: different, difficult, doable' (2020) 5(4) *Australian Alternative Dispute Resolution Bulletin* 72
- 'High Court clarifies meaning of “officer” [2020] (Winter) *Bar News* 19
- 'Mediation and incapacity: whether an agreement should be set aside' [2020] (Autumn) *Bar News* 22
- 'Hyperlink hypervigilance: a lesson on what not to do' (2020) 22(7) *Internet Law Bulletin* 101
- 'Trouble in Paradise Papers: privilege may not found a cause of action' [2019] (Summer) *Bar News* 26
- 'Royals and the right to privacy' (2019) 38(4) *Communications Law Bulletin* 21