

Dr. Claire H. Palmer

Experience

<i>Sixth Floor Selborne Wentworth</i>	Barrister (2017 – Present)
<i>University of New South Wales</i>	Lecturer in Advanced Statutory Interpretation (2022)
<i>University of Oxford</i>	Lecturer in Law and International Relations (2012 – 2017)
<i>Shearman & Sterling, London</i>	Associate (2015)
<i>Supreme Court of Namibia, Windhoek</i>	Research assistant to Chief Justice Peter Shivute (2014) Research assistant to Justice Catherine O'Regan (2014)
<i>Allens-Linklaters, Sydney</i>	Solicitor, Litigation, Banking, Pro Bono (2007 – 2009)
<i>Federal Court of Australia, Sydney</i>	Associate to Justice Brian Tamberlin (2006 – 2007)

Education

<i>University of Oxford</i>	Doctor of Philosophy in International Relations (2016) Master of Philosophy in International Relations (2011)
<i>University of Sydney</i>	Bachelor of Commerce with First Class Honours/ Bachelor of Laws with First Class Honours (2005)

Professional Committees

Bar Council (2020 to present).
Legal Profession Admissions Board, Legal Qualifications Committee (2021 to present).
Selection Committee, Katrina Dawson Award for Women at the Bar (2022 to present).
Women Barristers' Forum Executive, CPD Coordinator (2020 to 2022).
Centre of Policy Development, Research Committee (2017 to 2023).

Academic Awards

Katrina Dawson Award for Women at the Bar (2017)
Scatcherd European Scholarship to study at University of Bologna (2014)
Clarendon Scholarship to study MPhil/DPhil (International Relations) at University of Oxford (2009)
University of Oxford, St Edmund Hall Postgraduate Scholarship (2009)

University of Sydney, Henry S Albinski Prize for Best Honours Thesis in Australian Foreign and Defence Policy (2006)

New York University, selected for exchange semester to specialise in public international law (2004)

Selected publications and papers

Neil Williams and Claire Palmer, 'An Enduring Influence: Sir Owen's Contribution to Administrative Law', in Eldridge, J. and Pilkington T., *Sir Owen Dixon's Legacy*, Federation Press, Sydney (2019).

Claire Palmer, 'What Can Post-Democracy Tell Us about TNCs and Extraterritorial Violations of Human Rights?' *Political Quarterly*, vol 87(1), January-March (2016).

Dennis Galligan and Claire Palmer, 'Patterns of Constitutional Thought from Fortescue to Bentham: A Collection of Essays on Selected British, French and American Authors' in Galligan D. (ed), *Constitutions and the Classics*, Oxford University Press, United Kingdom (2015).

Selected Cases

Public Inquiries and Inquests Practice

Royal Commissions and Special Commissions

Special Commission of Inquiry into LGBTIQ Hate Crimes (2022-2023) - briefed by NSW Crown Solicitor as Counsel Assisting and led by Peter Gray SC with William de Mars, Christine Melis, Meg O'Brien, Kathleen Heath and Rebecca McEwen - consideration of suspected hate crime deaths in New South Wales (1970-2010) where victim was a member of the LGBTIQ community - consideration of police operations, including Strike Force Parrabell.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2021) - briefed by Gilbert & Tobin for the Commonwealth of Australia and led by Geoffrey Kennett SC - implementation of the Convention on the Right of People with Disability in Australia - interpretation of international principles and application/implementation at domestic level.

Counsel Assisting

Inquest into the death of TG - briefed by NSW Crown Solicitor, unled - suicide of Aboriginal man in custody - adequacy of care provided by risk intervention team - adequacy of prescription medication assessment.

Inquest into the death of JP - briefed by NSW Crown Solicitor, unled - death by police shooting at home of deceased.

Inquest into the deaths of Ursula Barwick, Lionel Daveson, Gary Jones, Christof Meier - briefed by NSW Crown Solicitor and led by Adam Casselden SC - missing persons, police processes, use of DNA technology.

Inquest into the death of Unknown Male - briefed by NSW Crown Solicitor, unled - missing persons, police processes, use of DNA technology.

Inquest into the death of OK - briefed by NSW Crown Solicitor, unled - adequacy of attempted rescue by NSWPF officers - adequacy of medical care.

For NSW Police

Inquest into the disappearance and suspected death of Théo Jean Hayez - unled - disappearance of a Belgian backpacker at Byron Bay - missing persons, police processes, physical searches, telecommunications and data-based evidence.

Inquest into the death of Tateolena Tauaifaga - led by Lachlan Gyles SC - death of child during a police operation - tactical operations; police processes; police pursuits.

Inquest into the deaths of Jack, Jennifer, and John Edwards - led by Adam Casselden SC - death of two children murdered by father - domestic violence, police processes, firearm regulations, family law.

Inquest into the death of MF - unled - death by self-inflicted gunshot wound in presence of police.

Inquest into the death of Sophia Bolshesolsky - unled - death of pedestrian due to collision with motor vehicle - adequacy of police investigation - crash investigation unit.

Pro Bono

Inquest into the death of Mr Huy Neng Ngo (Takata Airbags) - unled, for a former government agency employee - whistleblowing provisions - death caused by defective airbag in vehicle.

Inquest into the death of Jesse Drabsch - unled, for cleaner subcontractors - death of gym member in bathroom at Sydney-based Anytime Fitness gym.

Public Law and Human Rights Practice

Business & Human Rights

Advising corporate clients via Pillar 2 (founded by Vanessa Zimmerman), which advises businesses on how to develop their approach to human rights in line with international standards including the UN Guiding Principles on Business and Human Rights.

Administrative Law & Anti-Discrimination

Advising sports government agency on procedural fairness obligations in the context of integrity complaints (2022-2023).

Advising NSW Crown Solicitor on public interest immunity issues arising in the context of prosecution for terrorism-related offences (2021).

Jasmine Education v Australian Skills Quality Authority AAT No. 2022/6834 - briefed by AGS for the respondent, unled - appeal against cancellation of provider's registration under *National Vocational Education and Training Regulator Act 2011* (Cth).

Delaney v State of New South Wales NCAT 2021/155158 - briefed by the NSW Crown Solicitor for the State of NSW - claim of direct discrimination on the basis of sex and age.

Ward v Department of Education NCAT 2022/00319615 – briefed by NSW Crown Solicitor for Department of Education – claim of direct discrimination on the basis of race.

Contempt

State of New South Wales v Gennacker Pty Ltd t/as Homestead Holiday Flats – led by David Kell SC, Crown Advocate – briefed by the State of NSW for the plaintiff – declaration sought that the defendant failed to comply with orders by failing to prepare and enter into written site agreement.

State of New South Wales v Hacienda Caravan Park Pty Ltd – led by David Kell SC, Crown Advocate – briefed by the State of NSW for the plaintiff – declaration sought that the defendant failed to comply with orders by failing to prepare and enter into written site agreement.

Migration & Victims' Rights

Hashim v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2021] AATA 58 – briefed by Legal Aid for the applicant – application for Australian citizenship by conferral under s 21 of the *Australian Citizenship Act 2007* (Cth) – jurisdiction of the Tribunal – whether Tribunal can determine applicant's eligibility under incapacity criteria – where incorrect application form used by applicant.

DRJ v Commissioner of Victims' Rights v Commissioner of Victims' Rights [2019] NSWCATAD 86 – acted pro bono, unled, and briefed by Gilbert & Tobin – application to appear amicus curiae by UN Special Rapporteur on extra-judicial executions.

Minister for Home Affairs v Buadromo [2017] FCA 1592; *Buadromo v Minister for Home Affairs* [2018] FCAFC 151 – acted pro bono for Mr Buadromo and led by Kristina Stern SC – decision to cancel visa under s 501CA(4) of the *Migration Act 1958* (Cth) – proper, genuine and realistic consideration – whether there was no evidence to support the Parliamentary Secretary's conclusion.

MAH and Minister for Immigration and Border Protection (Migration) [2018] AATA 416 – briefed by Salvos Legal Humanitarian and acted pro bono for the applicant – decision to cancel visa under s 501CA(4) of the *Migration Act 1958* (Cth) – substantial criminal record – need for ongoing treatment and monitoring – possibility of indefinite detention.

Regulatory & Commercial Practice

Regulatory Enforcement

ASIC v Theta Asset Management Limited (WAD 613/2019) – briefed by ASIC and led by John Halley SC – application against responsible entity for declarations and s 1317G pecuniary penalty – material defects in PDS and misrepresentations – failure to comply with compliance plan – allegations of contraventions of s 601FC, 601FD, 1041H of the *Corporations Act 2001* (Cth).

Commercial Disputes

MIR Holdings Pty Ltd v Marina Square Retail Pty Ltd [2020] NSWCA 286 – briefed by Strathfield Law for plaintiffs and led by Todd Alexis SC – plaintiffs evicted from premises – application of *Retail*

and Other Commercial Leases (COVID-19) Regulation (No 3) 2020 (NSW) - application for relief against forfeiture - intervention of rights of third parties.

Olsen v Mentink [2019] NSWSC 1299 - briefed by Oxley Law for the plaintiff and led by Mark McCulloch SC and Justin Brown - alleged unconscionable procurement of monies of the estate - special disadvantage - whether unconscientious advantage taken - undue influence.

Crown Sydney Property v Barangaroo Delivery Authority; and Lendlease (Millers Point) v Barangaroo Delivery Authority [2018] NSWSC 1931 - briefed by Clayton Utz and led by Scott Nixon SC and James Arnott for the defendants - construction of good faith negotiation provisions - where contract protects sight lines between existing planned developments and the Sydney Harbour Bridge and Sydney Opera House.

DSHE Holdings Limited (Receivers and Managers Appointed) v Nicholas Abboud & Ors (proceedings 2017 to 2021) - briefed by Webb Henderson for advice/research in relation to duties of non-executive directors - representative proceedings - shareholder class action against executive directors of company formerly known as Dick Smith Holdings Limited - consideration of legal principles connected to auditors' negligence/liability.

Baller Industries v Mero Mero Leasing Pty Ltd [2019] NSWSC 1067 - briefed by Origin Lawyers for the plaintiff, unled - application for mandatory injunction - application for costs of interlocutory application for injunctive relief.

Chocron v Onkoud [2019] NSWSC 1823 - briefed by Origin Lawyers for the plaintiff, unled - application to enforce mortgage - whether deed of mortgage was a sham - whether deed of mortgage complied with s 38(1) the *Conveyancing Act 1919* (NSW).

Chocron v Onkoud [2018] NSWSC 1205 - briefed by Origin Lawyers for the plaintiff, unled - application for security for costs - plaintiff resident outside jurisdiction - late application.

Jone Food v Chang (Local Court 2019/218807) - briefed by Strathfield Law for the defendant, unled - Korean money club - whether loan agreement existed between plaintiff and defendant - whether member of money club acted as agent for the plaintiff in transactions with defendant.

Kwons Engineering & Piping Pty Ltd v Lee and CBA - briefed by Strathfield Law for the plaintiff, unled - money transferred by mistake - money had and received - negligence and novel duty of care - obligations of financial institutions to non-customers - recipient bank account in name of deregistered company.

Clarke v Butler 2021/00142846 - briefed by Cole & Butler for the defendants - family provision claim. Advising commercial lessor on defences in relation to relief against forfeiture - lessee defaulting on rental payments - application of *Retail and Other Commercial Leases (COVID-19) Regulation (No 3) 2020* (NSW).

Criminal Practice

Criminal Prosecutions

NSW Electoral Commission v Hindmarsh and Khalifa (2018/353110; 2018/353120) – briefed by the NSW Electoral Commission, unled – prosecution of members of the Australian Cyclists’ Party for allegedly making false or misleading statements made under the *Election Funding, Expenditure and Disclosures Act 1981* (NSW).

R v Moutia Elzabed (No 2) [2018] NSWLC 13 – briefed by Zali Burrows for the defendant, led by David Hume – prosecution of defendant under s 200A (disrespectful behaviour in Court) of the *District Court Act 1973* (NSW) – failing to stand for judicial officer.

Post-Sentence Detention Applications

For State of New South Wales - led

State of New South Wales v Church [2021] NSWSC 713– briefed by the Crown Solicitor of NSW and led by Adam Casselden SC – application for supervision order under *Terrorism (High Risk Offenders) Act 2017* (NSW).

State of New South Wales v Fayad (Preliminary) [2020] NSWSC 1681–led by James Emmett SC with Anders Mykkeltvedt – application for supervision order under *Terrorism (High Risk Offenders) Act 2017* (NSW).

Cheema v State of New South Wales [2020] NSWCA 190; 102 NSWLR 714; *State of New South Wales v Cheema (Preliminary)* [2020] NSWSC 876– led by Adam Casselden SC and Peter Aitkin – whether deeming provision should be read down on basis of constitutionally implied limitation on legislative power to restrict political communication – application for permanent stay of proceedings.

Lawrence v State of New South Wales [2020] NSWCA 248; *State of New South Wales v Lawrence (Preliminary)* [2019] NSWSC 1441; [2019] NSWSC 1101– application for continuing detention order – led by Adam Casselden SC and Christine Melis – Kable principle – extensive criminal history and extremist ideologies.

State of New South Wales v Dickson (Preliminary) [2020] NSWSC 1534–led by M Tedeschi SC – application for supervision order under *Terrorism (High Risk Offenders) Act 2017* (NSW).

State of New South Wales v RC (No 2) [2019] NSWSC 845 –led by Stephen Free SC – application for supervision order under *Terrorism (High Risk Offenders) Act 2017* (NSW).

State of New South Wales v Mathers (No 2) [2019] NSWSC 473 – led by Braddon Hughes SC – application for supervision order under *Terrorism (High Risk Offenders) Act 2017* (NSW) – sovereign citizen movement.

For State of New South Wales - unled

State of NSW v Keir (Final) [2020] NSWSC 570 – unled – final application for supervision order under *Crimes (High Risk Offenders) Act 2006* (NSW) – defendant convicted of murder committed in 1988 – serious risk of future intimate partner violence.

Attorney General of New South Wales v Christian [2020] NSWSC 164 (3 March 2020) – unled – application for supervision order under Mental Health (Forensic Provisions) Act 1990.

Mental Health (Forensic Provisions)

For State of New South Wales

Attorney General of New South Wales v Perry (No 2) [2019] NSWSC 1141 – unled – application under s 54A and Sch 1 of the *Mental Health (Forensic Provisions) Act 1990* (NSW) in relation to the extension of status as a forensic patient.

For Minister for Mental Health

In the matter of Calvin Peace – unled – application under the *Mental Health (Forensic Provisions) Act 1990* (NSW) by treating team to Mental Health Review Tribunal that Mr Peace be granted unconditional release.

In the matter of Mustaba Beryalay – unled – application under the *Mental Health (Forensic Provisions) Act 1990* (NSW) by treating team to Mental Health Review Tribunal that Mr Beryalay be granted conditional release.

In the matter of Antonio Zappavinga – unled – application under the *Mental Health (Forensic Provisions) Act 1990* (NSW) by treating team to Mental Health Review Tribunal that Mr Zappavinga be granted unconditional release and be made subject to a community treatment order.

Additional Experience

UN Headquarters, New York	Intern, UN Department of Disarmament (2005)
Centre of Law & Security, NYU	Researcher (2004)
Human Rights Commission, Sydney	Intern (2004)