

# CELIA G WINNETT

**Admitted to the Bar:** June 2016

**Education:** BA/ LLB (First Class Honours, University Medal), ANU, 2009; LLM (Fulbright Scholarship, Charles B Bretzfelder Constitutional Law Scholarship, James Kent Scholar), Columbia University, 2013

**Memberships and positions:** Member, NSW Bar Association Human Rights Committee (2018-2024); Fellow, UNSW Gilbert + Tobin Centre for Public Law (2019-present); NSW Co-Convenor, Australian Association of Constitutional Law (2019-present)

**Previous roles:** Counsel Assisting the Commonwealth Solicitor-General (2014-2015); Solicitor, Australian Government Solicitor (2011-2014); Associate to the Hon Justice Susan Crennan, High Court of Australia (2010-2011); Solicitor, Mallesons Stephen Jaques (2009-2010)

## Select recent hearings

### Commercial, industrial and class actions

#### High Court

- *Lendlease Corporation Ltd v Pallas*: 1 day hearing, 5 November 2024; class actions – notice to group members; appeared for Lendlease (instructed by Herbert Smith Freehills); led by Liz Collins SC
- *Potts v National Australia Bank Ltd* [2023] HCA 41: 1 day hearing; misleading conduct, proportionate liability; appeared for NAB (instructed by Norton Rose Fulbright); led by Bret Walker SC and James Arnott SC
- *Rodriguez v Seqwater* [2022] HCATrans 61: special leave hearing; negligence, damages; appeared for the applicant (instructed by Maurice Blackburn); led by Justin Gleeson SC and Nicholas Owens SC
- *Mondelez Australia Pty Ltd v AMWU* [2020] HCA 29: 1 day hearing; statutory construction – Fair Work legislation; appeared for AMWU (instructed by AMWU); led by Ingmar Taylor SC
- *Moore v Scenic Tours Pty Ltd* [2020] HCA 17: 1 day hearing; consumer protection, damages; appeared for Mr Moore (instructed by Somerville Legal); led by Justin Gleeson SC and Justin Hogan-Doran
- *Westpac Banking Corporation v Lenthall* [2019] HCA 45: 2 day hearing; class actions – common fund orders; appeared for Westpac (instructed by Allens); led by Alec Leopold SC and Stephen Free SC
- *Amaca Pty Ltd v Latz* [2018] HCA 22: half day hearing; negligence – damages; appeared for Amaca (instructed by Holman Webb); led by Justin Gleeson SC and Dominic Villa

#### Intermediate appellate court

- *Baron v Commonwealth Bank of Australia*: 4 day hearing, Full Federal Court, 18-21 November 2024; class actions, continuous disclosure obligations; appeared for appellants (instructed by Maurice Blackburn and Phi Finney McDonald); led by Justin Gleeson SC and William Edwards KC
- *ASIC v Noumi Ltd*: 1 day hearing, Full Federal Court, 12 November 2024; legal professional privilege; appeared for ASIC (instructed by MinterEllison); led by James Arnott SC
- *Dwyer v Volkswagen Group Australia Pty Ltd* [2023] NSWCA 211: 2 day hearing; class actions, product liability, damages; appeared for Volkswagen (instructed by Clayton Utz); led by Stephen Free SC and Imtiaz Ahmed
- *DSH Holdings Ltd v Potts; Potts v National Australia Bank Ltd* [2022] NSWCA 165: 5 day hearing; directors' duties, damages; appeared for the respondent in each matter (instructed by Norton Rose Fulbright); led by Bret Walker SC and James Arnott SC

#### Trial

- *Brady v NULIS Nominees (Australia) Ltd (No 4)* [2024] FCA 1374: 3-week hearing; class actions, superannuation trusts; appeared for the respondent (instructed by King & Wood Mallesons); led by David Thomas SC and Fiona Roughley SC
- *Macquarie Retail Pty Ltd v Dexu Capital Funds Management Ltd* [2024] NSWSC 1413: 2 day hearing; contractual interpretation; appeared for plaintiff (instructed by Norton Rose Fulbright); led by James Arnott SC

- *Fakhouri v Secretary, NSW Ministry of Health (No 2)* [2024] NSWSC 1171: half day hearing; class actions – settlement approval; appeared for plaintiff (instructed by Maurice Blackburn); led by John Sheahan KC
- *Maglio v Hino Motor Sales Australia Pty Ltd* [2023] VSC 757: 1 day hearing; class actions – carriage dispute and group costs orders; appeared for defendants with Laura Mills (instructed by Clayton Utz); unled
- *Fakhouri v Secretary, NSW Ministry of Health* [2023] NSWSC 808: 1 day hearing; class actions, declassing; appeared for plaintiff (instructed by Maurice Blackburn); led by John Sheahan KC and Mark Gibian SC
- *Fakhouri v Secretary, NSW Ministry of Health* [2022] NSWSC 233: 1 day hearing; class actions, industrial law, cross-vesting; appeared for plaintiff (instructed by Maurice Blackburn); led by Yaseen Shariff SC; delivered oral argument on cross-vesting against senior counsel
- *Dwyer v Volkswagen Group Australia Pty Ltd* [2021] NSWSC 715: 9 day hearing; class actions, product liability, damages; led by Stephen Free SC and Imtiaz Ahmed
- *Clickcar Australia Pty Ltd t/a Carma v Commissioner for Fair Trading* [2024] NSWCATOD 130: 2 day hearing; tow truck regulation; appeared for applicant (instructed by Holding Redlich); unled

## Equity

- *In the matter of Gainer Associates Pty Ltd* [2024] NSWSC 1138: half day hearing; judicial advice; appeared for NSW Trustee and Guardian (instructed by Norton Rose Fulbright); unled, against silk

## Regulatory and criminal

### High Court

- *Cigno Pty Ltd v ASIC* [2022] HCATrans 224: special leave hearing; consumer credit legislation; appeared for and instructed by ASIC; led by Justin Gleeson SC and Margaret Allars SC
- *ACCC v Pfizer Australia Pty Ltd* [2018] HCATrans 218: special leave hearing; restrictive trade practices; appeared for the ACCC (instructed by Webb Henderson); led by Justin Gleeson SC and John Halley SC

### Intermediate appellate court

- *ASIC v BHF Solutions Pty Ltd* [2022] FCAFC 108: 1 day hearing; consumer credit legislation; for ASIC (instructed by ASIC); led by Geoffrey Kennett SC
- *R v Kaiser* [2022] NSWCA 86: 1 day hearing; extended supervision orders - statutory interpretation; appeared for respondent (instructed by Legal Aid); led by Simeon Beckett
- *Wheatley v NSW* [2018] NSWCA 315: 1 day hearing; electoral law; appeared for NSW (instructed by CSO); led by Neil Williams SC

### Trial

- *ASIC v BHF Solutions Pty Ltd (No 2)* [2023] FCA 787: 1 day hearing; consumer credit legislation, relief; appeared for ASIC (instructed by ASIC); led by Margaret Allars SC
- *ASIC v Vocation Ltd (in liq)* [2019] FCA 807: 18 day hearing (nb: did not appear on all dates); misleading and deceptive conduct, directors' duties; appeared for ASIC (instructed by ASIC); led by John Halley SC, Anna Mitchelmore and Joanna Davidson

## Environment, property and land rights

### Intermediate appellate court

- *Theunissen v Barter*: 1 day hearing, NSW Court of Appeal, 13 September 2024; property – easements; appeared for respondent (instructed by Hones Lawyers); led by Todd Alexis SC
- *Environment Protection Authority v Davis & Wollondilly* [2019] NSWCCA 312; 1 day hearing; crime – environment, sentencing; appeared for prosecutor (instructed by EPA); led by Kristina Stern SC

## Trial

- *Petrie v Dickson* [2024] NSWSC 972: 2 day hearing; property – easements; appeared for plaintiff (instructed by Hones Lawyers); led by Todd Alexis SC
- *Barter v Theunissen* [2024] NSWSC 326: 2 day hearing; property – easements; appeared for plaintiff (instructed by Hones Lawyers); led by Todd Alexis SC
- *Sapphire Suite Pty Ltd v Valuer General of NSW* [2023] NSWLEC 1331: 1 day conciliation conference; valuation of land; appeared for Valuer General (instructed by CSO); unled
- *Environment Protection Authority v Hughes* [2019] NSWLEC 108: 1 day hearing; crime – environment, sentencing; appeared for prosecutor (instructed by EPA); unled, against senior counsel
- *Tweed Byron LALC v A-G (NSW)* [2019] FCA 936: 1 day hearing; non-claimant application; appeared for NSW Attorney-General (instructed by CSO); unled, against senior counsel

## **Constitutional**

### High Court

- *Ravbar v Commonwealth*: 2 day hearing, 11-12 December 2024; corporations power, implied freedom of political communication, Chapter III, acquisition of property; appeared for Commonwealth (instructed by AGS); led by Stephen Donaghue KC and Nick Wood SC
- *Vanderstock v Victoria* [2023] HCA 30: 3 day hearing; excise, taxation; appeared for Cth A-G (instructed by AGS); led by Stephen Donaghue KC and David Thomas SC
- *Unions NSW v NSW* [2023] HCA 4: 2 day hearing; implied freedom of political communication; appeared for plaintiff unions (instructed by Gilbert + Tobin); led by Justin Gleeson SC and Nicholas Owens SC
- *MICMSMA v Montgomery*: 2 day hearing, 6-7 April 2022; aliens power, discrimination, Indigenous rights; appearance for Australian Human Rights Commission (instructed by the Commission); led by Stephen Keim SC
- *Comcare v Banerji* [2019] HCA 23: 2 day hearing; implied freedom of political communication; appeared for Ms Banerji (instructed by Lander & Co); led by Ron Merkel SC and Chris Tran
- *M47/2018 v Minister for Home Affairs* [2019] HCA 17: 1 day hearing; aliens power, Chapter III; appeared for Plaintiff M47 (pro bono, instructed by Human Rights for All); led by Ron Merkel SC and Chris Tran
- *Clubb v Preston* [2019] HCA 11: 3 day hearing; implied freedom of political communication; appeared for Cth A-G (instructed by AGS); led by Stephen Donaghue KC and Craig Lenahan
- *Unions NSW v NSW* [2019] HCA 1: 2 day hearing; implied freedom of political communication; appeared for plaintiff unions (instructed by Holding Redlich); led by Justin Gleeson SC and Nicholas Owens SC

### Intermediate appellate court

- *A-G (NSW) v Gatsby; A-G (NSW) v Johnson* [2018] NSWCA 254: 1 day hearing; Chapter III; appeared for contradictor (instructed by NSW Bar Association); led by Geoffrey Kennett SC

## Trial

- *ABC v Kane (No 2)* [2020] FCA 133: 2 day hearing; search warrants, implied freedom of political communication; appeared for AFP (main respondent, instructed by AGS); led by Neil Williams SC

## **Administrative law and taxation**

### High Court

- *Godolphin Australia Pty Ltd v Chief Commissioner State Revenue* [2024] HCA 20: 1 day hearing; taxation – land tax exemptions; appeared for respondent (instructed by CSO); led by Justin Gleeson SC and Sudarshan Kanagaratnam
- *Vanderstock v Victoria* [2023] HCA 30 (see “constitutional” above)

### Intermediate appellate court

- *CoT v Tamarama Fresh Juices Australia Pty Ltd* [2017] FCAFC 154: 1 day hearing; taxation – secrecy provisions; appeared for respondent (instructed by Speed and Stracey); led by James Hmelnsky SC

## Trial

- *Oracle Corporation Australia Pty Ltd v Commissioner of Taxation* [2024] FCA 1262: 1 day hearing; taxation – tax treaties, stay application; appeared for applicants (instructed by Herbert Smith Freehills); led by Tony Bannon SC
- *DPN19 v Minister for Immigration* [2024] FedCFamC2G 381: half day hearing; judicial review – migration; appeared for applicant (instructed by Legal Aid); unled
- *Quirky Mama Productions Pty Ltd v Screen Australia* [2023] AATA 3089: 5 day hearing; taxation, qualifying Australian production expenditure; appeared for Screen Australia (instructed by Simpsons); led by Chloe Burnett SC
- *Long v Secretary, Department of Education* [2023] NSWCATAP 14: 1 day hearing; appeal – discrimination; appeared for the Secretary (instructed by CSO); unled
- *Skiba v Commonwealth Ombudsman* [2022] FedCFamC2G 216: half-day hearing; judicial review, role of Ombudsman, immunity from suit; appeared for Ombudsman (instructed by AGS); unled
- *Long v Secretary, Department of Education* [2022] NSWCATAD 131: 2 day hearing; merits review – discrimination; appeared for the Secretary (instructed by CSO); unled
- *BIM17 v Minister for Immigration* [2022] FedCFamC2G 895: half day hearing; judicial review – migration; appeared for applicant (instructed by Legal Aid); unled
- *BXP20 v Minister for Immigration* [2020] FCCA 1901: half day hearing; judicial review – migration; appeared for Minister (instructed by HWL Ebsworth); unled
- *BIX18 v Minister for Immigration* [2020] FCCA 505: 2 day hearing; judicial review – migration; appeared for Minister (instructed by Minter Ellison); unled, against senior counsel
- *Kartar Investments Pty Ltd v Minister for Immigration* [2020] FCCA 5: half day hearing; judicial review – migration; appeared for Minister (instructed by Sparke Helmore); unled
- *HYYL v Privacy Commissioner* [2023] AATA 2961: 2 day hearing; privacy law, class actions; appeared for Department of Immigration (instructed by Clayton Utz); led by Kate Richardson SC
- *Johnston v National Disability Insurance Agency* [2020] AATA 2583: 1 day hearing; merits review – NDIS; appeared for NDIA (instructed by NDIA); unled
- *ECN v Commissioner of Police* [2020] NSWCATAD 153: 1 day hearing; information access; appeared for ECN (pro bono, instructed by Arnold Bloch Leibler); unled
- *DIM16 v Minister for Immigration* [2019] FCA 1090: half day hearing; judicial review – migration; appeared for Minister (instructed by Sparke Helmore); unled
- *AMZ18 v Minister for Home Affairs* [2019] FCA 908: half day hearing; judicial review – migration; appeared for AMZ18 (instructed by WLW Migration Lawyers); unled
- *Transport for NSW v Waters (No 2)* [2019] NSWCATAP 96: 2 day hearing; information access; appeared for TfNSW (instructed by CSO); led by Anna Mitchelmore SC

## **Jurisdiction (including foreign state immunity) and civil procedure**

### Intermediate appellate court

- *Republic of India v CDM Holdings*: 1 day hearing (Full Federal Court); 23 May 2024; foreign state immunity; appeared for Republic of India (instructed by White & Case); led by Fiona Roughley SC
- *Wojciechowska v Secretary, Department of Communities and Justice* [2024] NSWCA 189: half-day hearing; improper parties; appeared for respondents (instructed by CSO); unled

### Trial

- *DHI22 v Qatar Airways Group QCSC (No 3)* [2024] FCA 351: 1 day hearing; foreign state immunity; appeared for second respondent (instructed by Gilbert + Tobin); led by Tom Brennan SC; delivered some of oral argument against senior counsel
- *AMAN v Twitter Australia Holdings* [2024] QCAT 201: 1 day hearing (QCAT), discrimination, jurisdiction; appeared for respondent (instructed by White & Case); led by Nicholas Owens SC
- *Quirky Mama Productions Pty Ltd v Screen Australia* [2024] AATA 173: slip rule; appeared for respondent (instructed by Simpsons); unled
- *Houston v NSW* [2020] FCA 502: 1 day hearing; leave to appeal, constitutional law; appeared for NSW (instructed by CSO); led by Jeremy Kirk SC

- *Australia YMCI Ltd v Secretary* [2021] NSWSC 1114: 1 day hearing; jurisdiction, transfer application; appeared for applicant (instructed by Colin Biggers & Paisley); led by Scott Robertson
- *EBQ16 v Minister for Immigration* [2019] FCA 144: half day hearing; application for extension of time; appeared for Minister (instructed by AGS); unled

### **Publications and speeches**

Celia Winnett, ‘*Hocking v Director-General of the National Archives of Australia* [2020] HCA 19: The Palace Papers Case in the High Court and Beyond’ (paper presented at the UNSW Gilbert + Tobin Centre for Public Law Constitutional Law Conference, Sydney, 12 February 2021)

Celia Winnett, ‘[Picking up where Rizeq left off: \*Masson v Parsons\* \[2019\] HCA 21, s 79 of the Judiciary Act and the “otherwise provides” test](#)’, AUSPUBLAW (24 July 2019)

Brooke Greenwood, Julia Mansour and Celia Winnett, ‘Access to Legal Records by Children Leaving State Care: The Experience of Young People in NSW’ (January 2019) *Alternative Law Journal*

Celia Winnett, ‘The “Establishment Clause” of s 116 of the Constitution’, Religious Law Conference, Legalwise, Sydney, 21 November 2018

Justin Gleeson SC and Celia Winnett, ‘The Rule of Law and the Crown’ in Martin Hinton and John Williams, *The Crown* (2018)

Celia Winnett, ‘*Kaldas v Barbour* [2017] NSWCA 275’, Australian Association of Constitutional Law seminar, 19 April 2018

Naomi Sharp and Celia Winnett, BenchTV presentation, ‘Procedural Fairness in Multi-Stage Decision-Making Processes’ (2017)

Celia Winnett, ‘*Cunningham v Commonwealth* [2016] HCA 39: Acquisition of Property and Politicians’ Retirement Benefits’ (paper presented at the UNSW Gilbert + Tobin Centre for Public Law Constitutional Law Conference, Sydney, 17 February 2017)

Celia Winnett, ‘[“Just Terms” or Just Money? Section 51\(xxxi\), Native Title and Non-Monetary Terms of Acquisition](#)’ (2010) 33 *University of New South Wales Law Journal* 776