

Dr. Claire H. Palmer
Sixth Floor Selborne Wentworth Chambers

Admissions

Barrister: 2017; Solicitor: 2007

Experience

University of New South Wales

Lecturer in Advanced Statutory Interpretation (2022)

University of Oxford

Lecturer in Law and International Relations (2012 – 2017)

A & O Shearman, London

Associate, Corporate and Mergers & Acquisitions (2015)

Supreme Court of Namibia, Windhoek

Associate to Chief Justice P. Shivute & Justice C. O'Regan (2014)

Allens, Sydney

Solicitor, Litigation and Banking (2007 – 2009)

Federal Court of Australia, Sydney

Associate to Justice B. Tamberlin (2006 – 2007)

Qualifications

University of Oxford

Doctor/Master of Philosophy (2016/2011)

University of Sydney

Bachelor of Laws Hons I/Commerce Hons I (Govt & Int Relns)(2005/2006)

Professional Committees

Bar Council (2020-2023); Legal Qualifications Committee (chaired by Kirk JA), LPAB (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).

Royal Commissions and Special Commissions

Special Commission of Inquiry into LGBTIQ Hate Crimes (numerous hearing days, Oct 2022 – Dec 2023) – briefed by NSW Crown Solicitor as Counsel Assisting for Commissioner John Sackar – led by Peter Gray SC and James Emmett SC – suspected hate crime deaths in NSW (1970-2010) where victim was a member of the LGBTIQ community – police processes.

Robodebt Royal Commission (2023) – briefed by HSF for KH (former employee in Cth Department of Human Services), unled – written submissions in response to proposed adverse findings that KH made representations contrary to known facts.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2-day hearing, 2021) – briefed by Gilbert & Tobin for Cth, led by Geoffrey Kennett SC – interpretation of international principles and domestic implementation of the Convention on the Rights of Persons with Disability.

Commercial and Regulatory

Advice to underwriters on professional indemnity insurance policy in connection to major infrastructure project (2024) – briefed by Lander & Rogers, led by Ed Muston SC – application of insuring clause – restitution – meaning of 'professional duties'.

Advice to sports government agency on procedural fairness obligations in the context of integrity complaints (2023-2024) – briefed by Sport Integrity Australia, led by Houda Younan SC.

Kwons Engineering & Piping Pty Ltd v Lee and CBA (2024, settled) – briefed by Strathfield Law for 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.

Advice to major swimming school on Australian trade mark application and allegations of trade mark violations (2022) – briefed by Strathfield Law, unled – allegations of trade mark violations by large international brand – subsequent application for trade mark.

Advice to international mining corporation via Pillar 2 (2021) – Pillar 2 advises businesses on how to act consistently with international business & human rights standards, including the UN Guiding Principles on Business and Human Rights.

Clarke v Butler (2021/00142846, settled) – briefed by Cole & Butler for defendants, led by Todd Alexis SC – family provision.

ASIC v Theta Asset Management Limited (WAD 613/2019, settled) – briefed by ASIC, led by John Halley SC – material defects in PDS – failure to comply with compliance plan – contraventions of ss. 601FC, 601FD, 1041H Corporations Act.

MIR Holdings Pty Ltd v Marina Square Retail Pty Ltd [2020] NSWCA 286 (1-day hearing) – briefed by Strathfield Law for plaintiffs, 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 (10-day hearing; appeared 1 day) – briefed by Oxley Law for late artist John Olsen, led by Mark McCulloch SC, Justin Brown – alleged unconscionable procurement of monies of estate – special disadvantage – whether unconscientious advantage taken – undue influence.

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.

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.

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.

DSHE Holdings Limited (Receivers and Managers Appointed) v Nicholas Abboud & Ors (2018) – briefed by Webb Henderson – advice/research in relation to duties of non-executive directors– shareholder class action against executive directors of company formerly known as Dick Smith Holdings Limited – auditors' negligence/liability.

Crown Sydney Property v Barangaroo Delivery Authority; and Lendlease (Millers Point) v Barangaroo Delivery Authority [2018] NSWSC 1931 (numerous hearing days, appeared 1 day) – briefed by Clayton Utz, led by Scott Nixon SC, James Arnott for 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.

Public

Contempt

State of NSW v Hacienda Pty Ltd t/as Homestead Holiday Flats (2023/42330, settled) – briefed by NSW Crown Solicitor for Prothonotary of the Supreme Court, led by David Kell SC, Crown Advocate – defendant failed to comply with orders.

Discrimination

Ward v Department of Education (NCAT 2022/00319615) (3-day hearing, 2023, settled) – briefed by NSW Crown Solicitor for Department of Education, unled – direct discrimination on the basis of race.

Delaney v State of New South Wales (NCAT 2021/00155158) (3-day hearing, 2023, settled) – briefed by the NSW Crown Solicitor for the State of NSW, unled – direct discrimination on the basis of sex and age.

Migration, Victims' Rights and Psychiatric Injury

EIV18 by her lit rep EIW18 vs Commonwealth of Australia (NSD 1544 of 2018) (2025, ongoing) – briefed by AGS – led by Geoffrey Johnson SC – plaintiffs arrived in Australia as unauthorised maritime arrivals and were transferred to Nauru – subsequently transferred to Australia for medical treatment – damages for claimed injuries.

Plaintiff X v Cth (2024, settled) – briefed by AGS for Australian Federal Police – led by Andrew Berger KC, Tiffany Wong SC, Vanessa Thomas, Matt Sherman – negligence, breach of contract, promissory estoppel, misfeasance, unjust enrichment.

DLZ18 by her lit rep DMA18 vs Commonwealth of Australia (NSD 1183 of 2018) (2024, settled) – briefed by AGS – led by Geoffrey Johnson SC and Patrick Knowles SC – plaintiffs arrived in Australia as unauthorised maritime arrivals and were transferred to Nauru – subsequently transferred to Australia for medical treatment – damages for claimed injuries.

Hashim v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2021] AATA 58 – briefed by Legal Aid, unled – 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 (1-day hearing) – briefed by Gilbert & Tobin for UN Special Rapporteur on extra-judicial executions, unled – application to appear amicus curiae.

Minister for Home Affairs v Buadromo [2017] FCA 1592; *Buadromo v Minister for Home Affairs* [2018] FCAFC 151 – acted pro bono for the respondent, 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.

Inquests as Counsel Assisting, briefed by NSW Crown Solicitor

Inquest into the death of PW (2024, ongoing) – led by Jennifer Single SC – adequacy of NSW police operation during mental health crisis and subsequent suicide – adequacy of engagement by local health district – complex challenges posed by mental health and suicide prevention.

Inquest into the death of OK (3-day hearing, 2024) – unled – adequacy of attempted rescue by NSWPF officers during suicide attempt – adequacy of medical care prior to suicide – misuse of prescription/non-prescription drugs.

Inquest into the death of TG (6-day hearing, 2023) – unled – suicide of Aboriginal man in custody – adequacy of care provided by Correctives risk intervention team – adequacy of Correctives procedures.

Inquest into the deaths of Ursula Barwick, Lionel Daveson, Gary Jones, Christof Meier (16-day hearing, 2022) – led by Adam Casselden SC – missing persons, police processes, use of DNA technology.

Inquests briefed by NSW Police

Inquest into the disappearance and suspected death of Théo Jean Hayez (10-day hearing, 2022) – unled – disappearance of a Belgian backpacker at Byron Bay – missing persons, physical searches, telecommunications, and data-based evidence.

Inquest into the death of Tateolena Tauaifaga (15-day hearing, 2022) – led by Lachlan Gyles SC – death of child during police operation – tactical operations, police processes, police pursuits.

Inquest into the deaths of Jack, Jennifer, and John Edwards (15-day hearing, 2022) – 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 JC (12-day hearing, 2022) – unled – death by self-inflicted gunshot wound in presence of police.

Criminal-related and Mental Health

Post-Sentence Detention Applications (select cases only; briefed by NSW Crown Solicitor for State of NSW)

Advice to NSW Crown Solicitor on public interest immunity issues in the context of prosecution for terrorism-related offences (2021) – briefed by NSW Crown Solicitor, unled.

State of New South Wales v Church [2021] NSWSC 713 (2-day hearing) – briefed by the Crown Solicitor of NSW, led by Kate Richardson SC and Adam Casselden SC with Matthew Varley – application for supervision order under Terrorism (High Risk Offenders) Act 2017 (NSW) (**THRO**).

State of New South Wales v Fayad (Preliminary) [2020] NSWSC 1681 (3-day hearing) – led by James Emmett SC – application for supervision order under THRO.

Cheema v State of New South Wales [2020] NSWCA 190; 102 NSWLR 714 (1-day hearing); *State of New South Wales v Cheema (Preliminary)* [2020] NSWSC 876 (5-day hearing) – led by Adam Casselden SC, Peter Aitkin – whether deeming provision should be read down due to constitutionally implied limitation on power to restrict political communication – application for permanent stay of THRO proceedings.

Lawrence v State of New South Wales [2020] NSWCA 248 (1-day hearing); *State of New South Wales v Lawrence (Preliminary)* [2019] NSWSC 1441; [2019] NSWSC 1101 (5-day hearing) – led by Adam Casselden SC, Christine Melis – application for continuing detention order under THRO – Kable principle – extensive criminal history and extremist ideologies.

State of NSW v Keir (Final) [2020] NSWSC 570 (2-day hearing) – unled – application for supervision order under Crimes (High Risk Offenders) Act 2006 (NSW) – defendant convicted of murder committed in 1988 – risk of future intimate partner violence.

State of New South Wales v RC (No 2) [2019] NSWSC 845 (2-day hearing) – led by Stephen Free SC – application for supervision order under THRO – extremist ideologies.

Mental Health (Forensic Provisions)

Attorney General of New South Wales v Perry (No 2) [2019] NSWSC 1141 – briefed by the CSO for the State of NSW, 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.

Select Publications & Papers

Claire Palmer, *Making and Breaking the Rules in Business and Human Rights*, CUP, Cambridge (2025, forthcoming).

‘Security for Costs’, CPD Presented to K&L Gates (2023) and LawCover (2023)

‘Sybil Morrison Lecture’, Lecture presented to the NSW Bar Association on the life of Sybil Morrison, March 2019.

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).

Academic Awards

Katrina Dawson Award for Women at the Bar (2017); 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).