

# David Rowe

## Barrister

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## Admissions

2024 Barrister, NSW  
2013 Solicitor, NSW Supreme Court

## Education

2016-17 **Bachelor of Civil Law (Distinction)**  
Magdalen College, University of Oxford

2007-12 **Bachelor of Laws (Hons I)**  
Australian National University

- University Medal
- Prizes for *Australian Public Law, Administrative Law, Federal Judicial System, Comparative Law, Law Reform*
- Exchange to University of Alabama School of Law, USA

**Bachelor of Arts (International Relations, Advanced German)**  
Australian National University

- *Goethe Institute Prize for Advanced German, DAAD Scholarship*
- Exchange to University of Bonn, Germany

## Work

2024- **Barrister**  
Sixth Floor Selborne Wentworth

2022-24 **Senior Adviser**  
Attorney-General of the Commonwealth

2017-22 **Senior Lawyer**  
Australian Government Solicitor

2017-22 **Sessional tutor**  
College of Law, Australian National University

2013-14 **Associate**  
Hon Justice Alan Robertson, Federal Court of Australia

## Selected matters

|                                                                                                                                                        |                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Brown v Minister for Immigration and Citizenship</i> (FCA, NSD1766/2024, reserved)                                                                  | Acted for applicant in judicial review of ART decision under s 501CA(4) of the <i>Migration Act 1958</i> (Cth). Unled.                                                                                                                                |
| <i>Super Retail Group Services Pty Ltd v Staff Australia Pty Ltd</i> (NSWDC, 2023/00310079, 2024/00095741)                                             | Ongoing. Acting for cross-defendant in proceedings concerning liability for alleged workplace injuries suffered by labour hire workers. Led by James Arnott SC.                                                                                       |
| <i>AGL Retail Energy Ltd v Australian Energy Regulator</i> (FCAFC, VID115/2025)                                                                        | Ongoing. Acted for applicant for penalties for breaches of the <i>National Energy Retail Rules</i> and <i>National Energy Retail Law</i> ; appeal pending before a Full Court of the Federal Court. Led by James Arnott SC and Naomi Wootton.         |
| <i>Australian Energy Regulator v AGL Retail Energy Limited</i> [2024] FCA 1500                                                                         |                                                                                                                                                                                                                                                       |
| <i>Save Wallum Incorporated v Clarence Property Corporation Limited &amp; Bayside Brunswick Pty Ltd</i> (FCA, NSD872/2024, reserved)                   | Acted for respondent to proceeding under s 475 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth). Led by Richard Lancaster SC and Joanna Davidson.                                                                    |
| <i>Chaplin v Secretary, Department of Social Services</i> (HCA, M65/2025)                                                                              | Ongoing. Acted for respondent to appeal before a Full Court of the Federal Court concerning construction of the <i>Social Security Act 1991</i> (Cth); special leave application pending in the High Court. Led by Stephen Lloyd SC and Matt Sherman. |
| <i>Chaplin v Secretary, Department of Social Services</i> [2025] FCAFC 89                                                                              |                                                                                                                                                                                                                                                       |
| <i>Alex Gyprock Pty Ltd v Minister for Immigration and Citizenship</i> [2025] FedCFamC2G 1185                                                          | Acted for respondent in judicial review of visa refusal decision of the Administrative Review Tribunal. Unled.                                                                                                                                        |
| <i>Kirk v Commonwealth of Australia</i> [2025] FCA 838                                                                                                 | Acted for respondent to application concerning whether a former senior member of the Administrative Appeals Tribunal held a foreign judicial office for the purposes of the <i>Remuneration Tribunal Act 1973</i> (Cth). Led by Brendan Lim.          |
| <i>Environment Centre Northern Territory (ECNT) v Tamboran B2 Pty Ltd; Minister for Environment, Climate Change and Water Security</i> [2024] NTCAT 19 | Acted for applicant in merits review of approval of environmental management plan under the <i>Petroleum Act 1984</i> (NT). Led by Adam Searle.                                                                                                       |
| <i>AJQ24 v Commonwealth</i> (FCA, ACD4/2024)                                                                                                           | Ongoing. Acting for respondent to claims for false imprisonment and other torts relating to detention of NZYQ-affected applicant. Led by Stephen Lloyd SC and Naomi Wootton.                                                                          |

## As solicitor

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|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Aboriginal Areas Protection Authority v Director of National Parks</i> [2022] NTSCFC 1 | Crown immunity – statutory construction – prosecution of Commonwealth statutory office-holder by NT statutory authority                                                            |
| <i>Ruddick v Commonwealth of Australia</i> [2022] HCA 9                                   | Implied freedom of political communication – ss 7 and 24 of <i>Constitution</i> – validity of <i>Electoral Legislation Amendment (Party Registration Integrity) Act 2021</i> (Cth) |
| <i>Zurich Insurance PLC v Koper</i> [2022] NSWCA 128                                      | s 51(xxix) and Ch III of <i>Constitution</i> – service under the <i>Trans-Tasman Proceedings Act 2010</i> (Cth)                                                                    |
| <i>Minister for Home Affairs v Benbrika</i> [2021] HCA 4                                  | Ch III of <i>Constitution</i> – validity of Div 105A of the <i>Criminal Code</i> (Cth)                                                                                             |
| <i>LibertyWorks Inc v Commonwealth of Australia</i> [2021] HCA 18                         | Implied freedom of political communication – validity of <i>Foreign Influence Transparency Scheme Act 2018</i> (Cth)                                                               |
| <i>Palmer v State of Western Australia (No 4)</i> [2020] FCA 1221                         | s 92 of <i>Constitution</i> – validity of pandemic border closures                                                                                                                 |
| <i>Meringnage v Interstate Enterprises Pty Ltd</i> [2020] VSCA 30                         | Ch III of <i>Constitution</i> – jurisdiction of VCAT over claim brought against the Commonwealth                                                                                   |
| <i>Lewis v Australian Capital Territory</i> [2020] HCA 26                                 | Unlawful imprisonment – compensatory damages where imprisonment of applicant inevitable – ‘vindictory damages’                                                                     |
| <i>Vella v Commissioner of Police (NSW)</i> [2019] HCA 38                                 | Ch III of <i>Constitution</i> – validity of <i>Crimes (Serious Crime Prevention Orders) Act 2016</i> (NSW)                                                                         |
| Prosecution and sentencing of children for terrorism offences (2018-19)                   | Solicitor-assisting statutory inquiry by INSLM James Renwick AM CSC SC                                                                                                             |

## **Publications**

|         |                                                                                                                                                |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 2019    | ‘Application of State criminal laws in federal jurisdiction: <i>Rizeq v Western Australia</i> ’, AGS Litigation Notes 29 (with Gavin Loughton) |
| 2014    | ‘State tribunals within and without the integrated federal judicial system’ (2014) 25 <i>Public Law Review</i> 48                              |
| 2008-12 | Member of editorial board, <i>Federal Law Review</i>                                                                                           |