

# Dr. Claire H. Palmer

Barrister

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## Experience

<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>Supreme Court of Namibia, Windhoek</i>	Research Associate to Chief Justice Peter Shivute & Justice Catherine O'Regan (2014)
<i>Allens-Linklaters, Sydney</i>	Solicitor, Litigation, Banking, Pro Bono Coordinator (Syd) (2007–2009)
<i>Federal Court of Australia, Sydney</i>	Associate to Justice Brian Tamberlin (2006–2007)

## Education

<i>University of Oxford</i>	DPhil and MPhil in International Relations
<i>University of Sydney</i>	Bachelor of Laws (Hons I)/Commerce (Hons I–Govt & Int Relations)

## Royal Commissions and Inquiries

*Liverpool City Council Public Inquiry* (2025, ongoing) – briefed by Kennedys for Liverpool Mayor Ned Mannoun, led by Kate Richardson SC.

*Special Commission of Inquiry into LGBTIQ Hate Crimes* (2022-2023) – 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* (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

*ARJ v Independent Liquor and Gaming Authority* (2025, settled) – briefed by JDK Legal for the applicant, led by Naomi Sharp SC – appeal to NCAT re: refusal of application for GMT increase – expert evidence (demographic characteristics and risk of gambling-related harm).

*Advice to AHA and Clubs NSW* (2025) – briefed by HTA Legal, led by Naomi Sharp SC – advice re: liquor and gaming regulations in NSW.

*Advice to architectural firm re: major building in Sydney CBD (2025)* – briefed by Lander & Rogers, led by Ed Muston SC – prospects – alleged breach of contractual duties and duty of care in tort – alleged misleading or deceptive conduct

*Advice 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.

*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.

*Olsen v Mentink [2019] NSWSC 1299* – 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.

*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.

## **Public Law**

### ***Discrimination and Workplace***

*Jamie-Lee Hassan v State of NSW (NSD1654/2024, ongoing)* – briefed by NSW Crown Solicitor for the State of NSW, led by Kate Eastman SC and Hernan Pintos-Lopez – class action alleging discrimination against the Department of Communities and Justice (and its predecessors) with respect to decisions made in relation to First Nations families.

*S v GM3 (Fair Work Commission, ongoing)* – briefed by the Mining and Energy Union for the applicant – application for stop bullying orders under ss. 789FF of the Fair Work Act 2009 (Cth).

*Ward v Department of Education (NCAT 2022/00319615, 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, 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, Working with Children***

*EIV18 by her lit rep EIW18 v 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.

*S99/2016 v Commonwealth of Australia* (NSD137 of 2019) (2025, ongoing) – briefed by AGS – led by Patrick Knowles SC – plaintiff arrived in Australia as unauthorised maritime arrival and was transferred to Nauru – subsequently transferred to Australia by order of FCA to obtain safe and legal termination of pregnancy – damages for claimed injuries.

*GSX v Children’s Guardian* [2025] NSWCATAD 190 – briefed by NSW Crown Solicitor, unled – appeal against cancellation of Working with Children Clearance – allegations of excessive discipline against a child with special needs.

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

*H 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 – 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.

### **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.

### **Inquests as Counsel Assisting**

*Inquest into the death of EW* (2024, ongoing) – unled – woman disappeared in the early hours following an argument with her partner at the Federal Falls Track, Mount Canobolas – 12-day search involving police, SES, and community volunteers.

*Inquest into the death of OK* – 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* – 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* – 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* – 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* – 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* – led by Adam Casselden SC – death of children murdered by father – domestic violence, police processes, firearm regulations, family law.

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

### **Crime-related and Mental Health**

#### ***Post-Sentence Detention Applications (briefed by NSW Crown Solicitor for State of NSW)***

*State of New South Wales v Simon Springfield* [2025] NSWSC 1397 – led by James Emmett SC; hearing unled – application for supervision order under *Crimes (High Risk Offenders) Act 2006* (CHRO) (NSW) – sexual offences against children – subsequent stability in the community.

*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, 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 Terrorism (High Risk Offenders) Act 2017 (NSW) (THRO) 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 – 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 – unled – application for supervision order under CHRO – 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 – led by Stephen Free SC – application for supervision order under THRO – extremist ideologies.

#### ***Mental Health (Forensic Provisions)***

*Attorney General for New South Wales v Haines* [2025] NSWCA 231; (No 2) [2025] NSWCA 248 – briefed for the Attorney-General, led by Paul Coady SC – 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 - whether the filing of a notice of appeal conferred a "fresh" power on the Court to make an interim order - whether the primary judge erred in assessing the evidence of the Court-appointed experts and/or in applying the statutory test in s 122(1)(b).

### **Select Publications & Papers**

Claire Palmer, *Making and Breaking the Rules in Business and Human Rights*, CUP, Cambridge (2026).

'Sybil Morrison Lecture', Lecture to the NSW Bar Association on 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).

### **Professional Committees**

Professional Conduct Committee #3 (2020 to present).

Selection Committee, KDA for Women at the Bar (2022 to present).

Legal Qualifications Committee (chaired by Kirk JA), LPAB (2021 to present).

Women Barristers' Forum Executive, CPD Coordinator (2020 to 2022).

Centre of Policy Development, Research Committee (2017 to 2023).

### **Select Academic Awards**

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

Clarendon Scholarship to study MPhil/DPhil (International Relations) at University of Oxford (2009).