



## Kate Eastman SC

**NEW/CHAMBERS**

BA/LLB (UNSW) (1990)  
LLM with distinction (UCL, London) (1991)  
LLM (UTS) (1997)  
Diploma of International Human Rights Law (EUI Florence Italy) (1999)

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Admitted to the legal profession 1990  
Admitted as a barrister in NSW 1998  
Appointment as Senior Counsel 2012  
Also entitled to practise in All Australian jurisdictions  
(Commonwealth, State and Territory)

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### Principal areas of practice

Employment and Industrial Law  
Human Rights Law including Modern Slavery  
Equality, Discrimination and Harassment Law  
Privacy  
Health and Professional Conduct  
Public and Constitutional Law

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### Previous professional experience

- 1991 to 1995. Solicitor, Allens
- 1995 to 1998. Senior Legal Officer, Australia Human Rights Commission.
- 2006 – continuing Senior Fellow, Monash University Law Faculty

### Awards or professional recognition

2019, *Doyles' Guide* ranking as Preeminent Senior Counsel in Employment and Industrial Law  
2019, *Best Lawyers Australia: Employment Law*  
2018, *Chambers and Partners: Employment Law Band 2*  
2017 *Change Champion Award*, Women Lawyers Association (NSW)

### Professional memberships

Fellow of the Australian Academy of Law  
Bar Councillor, NSW Bar Association  
Chair of the Law Council of Australia's Equalising Opportunities Committee  
Chair of the NSW Bar Association's Diversity and Equality Committee  
Chair of the Australian Bar Association's Diversity and Inclusion Committee  
Member of Advisory Committee Andrew & Renata Kaldor Centre for International Refugee Law, UNSW

### Publications

Publications and seminar papers may be provided on request

### Professional profiles

[www.kateeastman.com](http://www.kateeastman.com)  
<https://twitter.com/katehumanrights>  
<https://www.linkedin.com/in/kate-eastman-sc-2913a749/>

## Selected cases

Discrimination, Harassment and Vilification**High Court**

- *Sklavos v The Australasian College of Dermatologists* [2018] HCASL 7 (appearing for the Respondent, Special leave refused 2018)
- *Christian Youth Camps Ltd and Rowe v Cobaw Community Health Services Limited & Anor* [2014] HCATrans 289 (Special Leave Application from Vic CoA) (appearing for a respondent, Victorian Human Rights Commission)
- *Maloney v Queensland* [2013] HCA 28 appeared for the Australian Human Rights Commission in a matter concerning the operation of the *Racial Discrimination Act 1975* (Cth) and special measures
- *Varas v Fairfield City Council* [2010] HCATrans 18 (appearing for the Respondent; Special Leave Application;)
- *Purvis v New South Wales* (2003) 217 CLR 92 (with Mr Gageler SC) (appeared for the Appellant; disability discrimination in education)
- *Re McBain* (2002) 209 CLR 372 (with Mr Walker SC) - Constitutional issues concerning the *Sex Discrimination Act* (appearing for Australian Human Rights Commission)

**Recent Appeals**

- *Woodforth v State of Queensland* [2017] QCA 100 (appearing for Appellant pro bono; disability discrimination in the provision of services and the police)
- *Sklavos v The Australasian College of Dermatologists* [2017] FCAFC 128 (appearing for the Respondent; disability discrimination in education and qualifying bodies)
- *Mulligan v Virgin Australia Airlines Pty Ltd* [2015] FCAFC 130 (appearing for the AHRC intervening; disability discrimination and civil aviation)
- *TAL Life Limited v CAS* [2015] NSWCATAP 155 (appearing for the Appellant; disability and insurance)
- *Ashby v Slipper* (No 3) [2015] FCAFC 9 (appearing for the Commonwealth of Australia; costs)
- *Christian Youth Camps Ltd and Rowe v Cobaw Community Health Services Limited* [2014] VSCA 75 (appearing for the Victorian Human Rights Commission; discrimination and religious exemptions)
- *Ekeremawi v Harbour Radio Pty Ltd* [2013] NSWCA 54 (appearing for Respondents; racial vilification)
- *Jones & Harbour Radio v Trad* [2013] NSWCA 389 (appearing for Appellants; racial vilification)

Employment and Industrial Cases**Recent Appeals**

- *Folau v Rugby Australia* (appeal under Rugby AU Professional Players Code of Conduct; Tribunal Member (2019))
- *Cook v Australian Postal Corporation* [2018] FCAFC 208 (appearing for the Respondent; Fair Work and Constitutional law issues)
- *Australian Building and Construction Commissioner v Hall* [2018] FCAFC 83 (appearing for the Appellant; Fair Work General Protections claim)
- *Celand v Skycity Casino Pty Limited* [2017] FCAFC 222 (appearing for the Respondent; Fair Work Act and general protections)
- *Privacy Commissioner v Telstra Corporation Limited* [2017] FCAFC (appearing for the Appellant, personal information and meta data)

**Multi-party claims**

- *PSA v New South Wales* (appearing for State of New South Wales) (Equal Remuneration claim for School Support Staff - ongoing)
- *Equal Remuneration Case Early Learning teachers; Work Value Claim* (appearing for the Commonwealth - ongoing)
- *Equal Remuneration Case (SACS)* [2012] FWA 1000; [2012] FWAFB 1000 (appearing for State of New South Wales and Minister for Industrial Relations)

Constitutional/public law**High Court**

- *Clubb v Edwards; Preston v Avery* [2019] HCA 11 (appearing for the Human Rights Law Centre intervening, appearing for the Castan Centre for Human Rights intervening)
- *AMCA v 2 DAY FM* seeking leave to intervene for Free TV Australia Limited in the matter of the *Broadcasting Services Act*
- *Commonwealth v Australian Capital Territory* [2013] HCA 55 appeared for the ACT in the matter of the validity of same sex marriage laws
- *Magaming v The Queen* [2013] HCA 40 appeared for the Australian Human Rights Commission in a matter mandatory minimum sentencing
- *Albarran v Members of the Companies Auditors and Liquidators Disciplinary Board* (2007) 231 CLR 350 (with Mr Burmester QC) - Constitutional law issues concerning Chapter III and administrative bodies (appearing for the Commonwealth)
- *Bennett v Commonwealth* (2007) 231 CLR 91 (with Mr Bennett QC) - Constitutional issues concerning the territory power and voting rights (appearing for the Commonwealth)
- *Minister for Immigration and Multicultural and Indigenous Affairs v B* (2004) 219 CLR 365 (with Ms Hampel QC) - Constitutional issues re detention of children (appearing for Amnesty International)
- *Mobil Oil Australia Pty Ltd v Victoria* (2002) 211 CLR 1 (with Mr Bennett QC) - Constitutional law issues concerning Chapter III and class actions (appearing for the Commonwealth)
- *DJL v Central Authority* (2000) 201 CLR 226 (with Dr Griffith QC) - Constitutional issues and the international child abduction (appearing for DJL)
- *Yanner v Eaton* (1999) 201 CLR 351 (with Mr Burmester QC) - Constitutional law issues concerning native title law (appearing for the Commonwealth)

Royal Commissions**Institutional Responses to Child Sexual Abuse**

- The Salvation Army (Eastern Territory) (Case Study 5, Case Study 10, Case Study 49)
- The Uniting Church in Australia (NSW Synod) (Case Study 23 concerning Knox Grammar School)
- Wesley Mission (Case Study 24 concerning Out of Home Care)
- The Anglican Church (Sydney Diocese) (Case Study 42)
- The Kings School (Case Study 45)
- Uniting Church in Australia (Qld Synod) (Shalom Christian College) (Case Study 45)
- The Uniting Church in Australia (Case Study 56)

**Aged Care Quality and Safety**

Kate has a number of clients being aged care providers who may be called to give evidence in the Royal Commission and who have provided submissions at the Commission's request.