



# KATE EASTMAN AM SC

*Bachelor of Arts / Bachelor of Laws (1990) - University of New South Wales (UNSW)*  
*Master of Laws (Distinction) (1991) - University College London, UK (UCL)*  
*Master of Laws (1997) - University of Technology Sydney (UTS)*  
*Doctor of Laws (Honoris causa) (2022) - University of Technology Sydney (UTS)*

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**Admitted to the legal profession in NSW**  
1990

**Admitted as a barrister in NSW**  
1998

**Appointed Senior Counsel**  
2012

**Entitled to practise in**  
Australian jurisdictions

Kate has over 30 years' experience in dispute resolution and advocacy in a wide range of employment disputes, sexual harassment, discrimination and vilification law. She also practises in the areas of public law, education law and health law. She is a recognised expert in human rights law (international and Australia).

She appears in the High Court, Federal Court, Federal Circuit Court, Fair Work Commission, Industrial Relations Commission and State/Territory tribunals in trials and appeals in matters arising under the Fair Work Act and all Commonwealth/State/Territory discrimination laws. She is instructed by individuals, Commonwealth, State and Territory governments and agencies, for multi-national and Australian ASX 200 corporations, partnerships and small businesses in a range of matters including internal compliance audits, internal grievance and disciplinary procedures, law reform, development of policies and procedures, training, strategy, advisory work and litigation.

Kate regularly appears in mediations in a wide range of complex and multi-party disputes. She acts as an independent investigator, facilitator and mediator.

Kate is currently Senior Counsel Assisting the [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#).

Kate is an experienced teacher. She has been a Senior Fellow of the Faculty of Law, Monash University where she has taught a range of post-graduate international and Australian human rights law courses. She has taught short courses on human rights in Myanmar and Uganda.

Kate appears as a panellist on *The Drum* on the ABC from time to time.

In 2021, she was made an Member of the Order of Australia for significant service to the law, to human rights and to professional organisations.

## PROFESSIONAL EXPERIENCE

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**1991 to 1995:** Solicitor, Allens (Litigation and Corporate)

**1995 to 1998:** Senior Legal Officer, Australia Human Rights Commission

**2006 to 2017:** Senior Fellow, Monash University, Law Faculty

**1995 to 2010:** Lecturer (casual) University of Technology, Law Faculty

### Other appointments

**2015 to 2019:** Member, Independent Advisory Panel on the Prevention and Management Workplace Bullying – Safe Return to Work and Support, Worksafe NSW

**2014 to 2017:** Member, University of Western Sydney, Misconduct and Discipline Panel

**2012 to 2013, 2019:** Member, Royal Australasian College of Physicians College Appeals Committee

**2006 to 2012:** Member, Postgraduate Studies Advisory Committee, Faculty of Law, Monash University

## AWARDS OR PROFESSIONAL RECOGNITION

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**2022:** *Law Council of Australia* - President's Award, for a significant contribution to the legal profession in Australia

**2022:** Doctor of Laws (Honoris causa) (2022) - University of Technology Sydney

**2022:** *Australian Women Lawyers* - Award for long term leadership and commitment in the support and advancement of women in the legal profession

**2021:** *Women Lawyers Association (NSW)* – Lifetime Achievement Award and Life Membership

**2019:** *Australian Human Rights Commission*, Human Rights Award, Law

**2017:** *Women Lawyers Association (NSW)* - Change Champion Award

**2017:** The Terry Connolly Friend of the Jessup Moot Award

**2005:** *Disability Discrimination Legal Centre*- Life membership for pro-bono work in the area of disability discrimination, particularly for children with disability and education

**2003:** *Law and Justice Foundation*, Justice Award for the Combined Community Legal Centres for Services to pro-bono legal work

### Current Rankings

**2023:** *Chambers and Partners Asia Pacific*: Employment (Band 1)

**2023:** *Legal 500*: Labour and Employment Leading Silks (Band 1)

**2022:** *Best Lawyers*: Human Rights Law, Labour and Employment Law

**2022:** *Doyle's Guide*: Preeminent Senior Counsel in Employment Law for New South Wales and Australia

**2021:** *Best Lawyers*: Lawyer of the Year, Human Rights

## PROFESSIONAL MEMBERSHIPS AND APPOINTMENTS

- Fellow of the Australian Academy of Law (FAAL)
- Bar Councillor, New South Wales Bar Association since 2019
- Chair of the Law Council of Australia's Equalising Opportunities Committee since 2018
- Chair of the Australian Bar Association's Diversity and Inclusion Committee since 2016
- Immediate past Chair of the NSW Bar Association's Diversity and Equality Committee
- Women for Progress, convened by Nicola Forrest AO with the Minderoo Foundation
- Director and Board Member, New Chambers
- Member of Advisory Committee Andrew & Renata Kaldor Centre for International Refugee Law, UNSW, since 2017
- Member of Advisory Council, Australian Centre for International Justice
- UNSW Member of the Law Council of Australia's Business and Human Rights Working Group (2014 – 2018)
- Member of the Law Council of Australia's National Human Rights Committee (2013 – 2018)
- Head of Chambers (2016 – 2018), Director (2007 – 2012), Six St James Hall Chambers
- Co-Founder and President, Australian Lawyers for Human Rights (1992 – 2000)
- Current membership of:
  - Australian Labour Law Association (ALLA)
  - Australian Association of Constitutional Law (AACL)
  - Australian Lawyers for Human Rights (ALHR)
  - Australian and New Zealand Society of International Law (ANZSIL)
  - Women Lawyers Association (NSW)

## SELECTED APPEARANCES

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### High Court of Australia

**Clubb v Victoria** (2019) 93 ALJR 448 (for the Human Rights Law Centre intervening, appearing for the Castan Centre for Human Rights intervening)

**Magaming v The Queen** (2013) 252 CLR 381 (for the Australian Human Rights Commission intervening)

**Maloney v Queensland** (2013) 252 CLR 168 (for the Australian Human Rights Commission intervening)

**Commonwealth v Australian Capital Territory** (2013) 250 CLR 441 appeared for the ACT

**Albarran v Members of the Companies Auditors and Liquidators Disciplinary Board** (2007) 231 CLR 350 (with Mr Burmester QC for the Commonwealth)

**Bennett v Commonwealth** (2007) 231 CLR 91 (with Mr Bennett QC SG for the Commonwealth)

**Minister for Immigration and Multicultural and Indigenous Affairs v B** (2004) 219 CLR 365 (with Ms Hampel QC for Amnesty International)

**Purvis v New South Wales** (2003) 217 CLR 92 (with Mr Gageler SC for Mr and Mrs Purvis and their son Daniel)

**Re McBain** (2002) 209 CLR 372 (with Mr Walker SC for Australian Human Rights Commission)

**Mobil Oil Australia Pty Ltd v Victoria** (2002) 211 CLR 1 (with Mr Bennett QC SG for the Commonwealth)

**DJL v Central Authority** (2000) 201 CLR 226 (with Dr Griffith QC for DJL)

**Yanner v Eaton** (1999) 201 CLR 351 (with Mr Burmester QC for the Commonwealth)

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### Selected Appeals

**Reynolds v Commissioner of Australian Federal Police** [2020] FCAFC 82

**DRJ v Commissioner of Victims Rights (No 2)** [2020] NSWCA 242

**National Disability Insurance Agency v Attorney-General for the Australian Capital Territory** [2020] ACTSC 52

**Australian Capital Territory v Wang** (Appeal) [2019] ACAT 65

**Cook v Australian Postal Corporation** [2018] FCAFC 208

**Australian Building and Construction Commissioner v Hall** [2018] FCAFC 83

**Celand v Skycity Casino Pty Limited** [2017] FCAFC 222

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[Privacy Commissioner v Telstra Corporation Limited](#) [2017] FCAFC 4

[Woodforth v State of Queensland](#) [2017] QCA 100

[Sklavos v The Australasian College of Dermatologists](#) [2017] FCAFC 128

[Mulligan v Virgin Australia Airlines Pty Ltd](#) [2015] FCAFC 130

[Ashby v Slipper](#) (No 3) [2015] FCAFC 9

[Christian Youth Camps Ltd and Rowe v Cobaw Community Health Services Limited](#) [2014] VSCA 75

[Robinson v Commissioner of Police, New South Wales Police Force](#) [2013] FCAFC 64

[Ekermawi v Harbour Radio Pty Ltd](#) [2013] NSWCA 54

[Jones & Harbour Radio v Trad](#) [2013] NSWCA 389

[King v Jetstar Airways Pty Limited](#) [2012] FCAFC 115

[Kaluza v Repatriation Commission](#) [2011] FCAFC 97

[Dye v Commonwealth Securities Limited](#) [2010] FCAFC 115

[OV & OW v Members of the Board of the Wesley Mission Council](#) [2010] NSWCA 155

[Aurukun Shire Council & Anor v CEO Office of Liquor Gaming and Racing in the Department of Treasury](#) [2010] QCA 37

[Bropho v State of Western Australia](#) [2008] FCAFC 100

[Qantas Airways Limited v Gama](#) [2008] FCAFC 69

[Anvil Hill Project Watch Association Inc v Minister for the Environment and Water Resources](#) [2008] FCAFC 3

[Catholic Education Office v Clarke](#) [2004] FCAFC 197

[Attorney-General for the Commonwealth & "Kevin and Jennifer" & Human Rights and Equal Opportunity Commission](#) [2003] FamCA 94

[Ruddock v Vadarlis \(the Tampa Case\)](#) [2001] FCA 1329

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## Equal Remuneration claims

[Equal Remuneration - Early Childhood workers](#) [2013 – 2021] Full Bench Fair Work Commission, appearing for the Commonwealth

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**Crown Employees (School Administrative and Support Staff) Award** [2019] NSWIRComm 1082 (equal remuneration claim (for State of New South Wales)

**Equal Remuneration Case (SACS)** [2010 – 2012] – appearing for State of New South Wales and Minister for Industrial Relations

**Family Provisions Case 2005 (No 2)** [2006] NSWIRComm 63 – appearing for NSW Minister for Industrial Relations and Public Employment Office

**Re Equal Remuneration Principle** [2000] NSWIRComm 113 – appearing for Human Rights and Equal Opportunity Commission (intervening)

## Royal Commissions

- Senior Counsel Assisting [Royal Commission into Violence, Neglect, Abuse and Exploitation of People with the Disability](#) (September 2019 – current)
- Appearances and advice for aged care providers in the [Royal Commission into Aged Care Quality and Safety](#) (2018 – 2020)
- [Royal Commission into Institutional Responses to Child Sexual Abuse](#) (2013 – 2017)  
appearing for:
  - The Salvation Army (Eastern Territory) (Case Study 5, 10 and 49)
  - The Uniting Church in Australia (NSW Synod) (Case Study 23)
  - Wesley Mission (Case Study 24)
  - Anglican Diocese for Sydney (Case Study 42)
  - The Kings School (Case Study 45)
  - Shalom Christian College and Uniting Church in Australia (Qld Synod) (Case Study 45)
  - The Uniting Church in Australia (Case Study 56)

## Selected publications and articles

Australia's engagement with the United Nations in *Contemporary Perspectives on Human Rights Law in Australia* eds Gerber & Castan (2<sup>nd</sup> ed 2021)

We need to address the culture of shame: sexual harassment (July 2020) [Law Society Journal NSW](#)

*Natural Justice is the golden rule of investigations* – Op Ed in [The Guardian](#) (24 June 2020)

Breaking the culture of silence – sexual harassment at the Bar *News: The Journal of the NSW Bar Association* (March 2019)

Crossing the line: Behaviour that gets barristers into trouble with Callan and Rao *Bar News: The Journal of the NSW Bar Association* (Summer 2017)

Mere definition? Blurred lines? The intersection between race and religion under the Racial Discrimination Act 1975 (Cth) [RDA40 Conference Papers](#) (2015)

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International Human Rights Remedies; Discrimination complaints chapters in *Lawyers Practice Manual New South Wales* since 1995

The problem with evidence in racial hatred litigation in *Hate Speech and Freedom of Speech in Australia* eds Gelber and Stone (2007)

*Sex Discrimination in the legal profession* (2004) **10 UNSWLJ 26**

*Discrimination: Mitigation Risk in the workplace*, CCH (with P Thew and J Bourke co authors) (2005)

Human rights in Australian litigation a practitioner's perspective in *Using Human Rights in Australian Law*, ed Kinley (1998)

Kate has presented at over 200 conferences/seminars or training events. Selected Papers available on request.

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## Recent podcasts

Sexual harassment and the Australian Bar – [four podcast series](#) for the Australian Bar Association (2020 – 2021)

WOW Chaplaincy **Talking about human rights** (December 2020)

**Disability issues in auslaw and across society** (August 2020) Lawyers Weekly

**The Disability Royal Commission in the time of COVID-19** (May 2020)

**Change Makers Podcast Episode 5: A Push for Gender Equality at the Bar** ([thomsonreuters.com.au](https://thomsonreuters.com.au)) (December 2019)

**How can all lawyers assist in achieving equitable briefing for barristers? - Lawyers Weekly** (October 2019)

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## PRINCIPAL AREAS OF PRACTICE

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### ARBITRATOR / MEDIATOR

Mediation

Conciliation

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### COMMERCIAL LAW

Administrative Law

Communications

Business and Human Rights

Partnership disputes

International law

Alternative Dispute Resolution

Modern Slavery

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### INDUSTRIAL / EMPLOYMENT

Civil and human rights

Class actions

Investigations

All areas of employment law

Sexual harassment

Privacy

Disciplinary proceedings

Discrimination and Equality

Diversity and Inclusion

Restraint of trade

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### INQUESTS AND INQUIRIES

Royal Commissions

Investigations and Inquiries

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### PUBLIC AND ADMINISTRATIVE LAW

Alternative Dispute Resolution

Disciplinary proceedings

Merits review

Appellate

Health law

Public law

Constitutional law

Judicial review and administrative law

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## SECTORS

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Defence

Technology, Media and

Professional services

Government

Telecommunications

Disability and Aged Care

Transport

Health

Education