



KATE EASTMAN SC

*Bachelor of Arts / Bachelor of Laws (1990) - University of NSW
Master of Laws (Distinction) (1991) - University College London
Master of Laws (1997) - University of Technology Sydney*

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Clerk of Chambers

Michael Wilcox

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Admitted to the legal profession

1990

Admitted as a barrister in NSW

1998

Appointed Senior Counsel

2012

Also entitled to practise in

Australian jurisdictions (Commonwealth,
State and Territory)

Kate has 30 years experience in dispute resolution and advocacy in a wide range of employment and sexual harassment disputes, all aspects of discrimination and vilification law (employment, services, education, transport and media), human rights (international and Australian), public law and health law.

She appears in the 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 Federal/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 business in a range of matters including internal compliance audits, internal grievance and disciplinary procedures, mediation, advisory work and litigation.

Kate regularly appears in mediation and conciliation of all complex and multi-party disputes. She acts as a mediator in such disputes from time to time.

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

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

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

PROFESSIONAL EXPERIENCE

1991 to 1995: Solicitor, Allens

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

From 2006: Senior Fellow, Monash University, Law Faculty

AWARDS OR PROFESSIONAL RECOGNITION

2021: *Honorary Doctor of Laws*: University of Technology, Sydney

2021: *Chambers and Partners Asia Pacific*: Employment (Band 1)

2021: *Legal 500*: Labour and Employment Leading Silks

2020: *Best Lawyers Australia*: Human Rights Law, Labour and Employment Law

2020: *Doyle's Guide*: Preeminent Senior Counsel in Employment Law for New South Wales and Australia

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

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

PROFESSIONAL MEMBERSHIPS AND APPOINTMENTS

- Fellow of the Australian Academy of Law
- Bar Councillor, New South Wales 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

SELECTED APPEARANCES

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)

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

[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

Multi-party industrial claims

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

Equal Remuneration - Early Childhood workers Full Bench Fair Work Commission, appearing for the Commonwealth (ongoing from 2013)

Equal Remuneration Case (SACS) [2012] FWA 1000; [2012] FWAFB 1000 - appearing for State of New South Wales and Minister for Industrial Relations

Family Provisions Case 2005 (No 2) [2006] NSWIRComm 63 - appearing for State of New South Wales

Re Equal Remuneration Principle [2000] NSWIRComm 113 - appearing for HREOC

Royal Commissions

- Counsel Assisting the [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)
 - The 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 (2nd 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 *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)

International Human Rights Remedies and 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)

Recent podcasts

[Talking about human rights](#) (December 2020) WOW Chaplaincy

[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 \(thomsonreuters.com.au\)](#) (December 2019)

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

PRINCIPAL AREAS OF PRACTICE

ARBITRATOR / MEDIATOR

COMMERCIAL LAW

Administrative Law

Alternative Dispute Resolution

International law

Partnership disputes

Communications

Restraint of trade

COMMON LAW

Alternative Dispute Resolution

INDUSTRIAL / EMPLOYMENT

Civil and human rights

Government inquiries

Restraint of trade

Disciplinary proceedings

Health law

Work Health and safety prosecutions

INQUESTS AND INQUIRIES

Commissions of Inquiry

PUBLIC AND ADMINISTRATIVE LAW

Alternative Dispute Resolution

Disciplinary proceedings

Merits review

Appellate

Health law

Public law

Constitutional law

Judicial review and administrative law

SECTORS

Defence

Healthcare

Technology, Media and

Government

Transport and Infrastructure

Telecommunications