



## SAMUEL HOARE

*Bachelor of Civil Law, University of Oxford (Christ Church)*  
*Bachelors of Arts & Laws, University of Sydney*

**T** +61 2 9151 2013

**F** +61 2 9233 1850

**E** [hoare@newchambers.com.au](mailto:hoare@newchambers.com.au)

**in** [samueljhoare](https://samueljhoare.com)

**Admitted to the legal profession**  
2019

**Admitted as a barrister in NSW**  
2022

**Also entitled to practise in Australian jurisdictions (Commonwealth, State and Territory)**

Sam has a broad commercial and public law practice. Prior to coming to the Bar, he was Associate to the Hon Justice PA Keane AC of the High Court of Australia. He also practised as a solicitor in the dispute resolution team at Herbert Smith Freehills, where he worked on a range of commercial and public law proceedings in the High Court of Australia, Federal Court of Australia and Supreme Courts of NSW and Victoria. He was previously Associate to the Hon Justice JS Gleeson when her Honour was a Justice of the Federal Court of Australia.

Sam graduated from the University of Sydney with a Bachelor of Arts and a Bachelor of Laws, ranked second overall in his law cohort of 164 and in receipt of the prize for first in his final year cohort and prizes for and/or first ranks in seven subjects, including Advanced Constitutional Law and Equity. He later read for the postgraduate Bachelor of Civil Law at the University of Oxford, supported by Christ Church's Myers Scholarship. He graduated with distinction and the paper prize for Commercial Remedies. Sam maintains an academic interest in law, having tutored Constitutional Law and Introduction to Property & Commercial Law, and examined Public Law, at the University of Sydney.

## PROFESSIONAL EXPERIENCE

- 2022 – date:** Barrister, New Chambers
- 2021 – 2022:** Solicitor, Herbert Smith Freehills.
- 2020 – 2021:** Associate to the Honourable Justice PA Keane AC, High Court of Australia.
- 2018 – date:** Tutor/Examiner in Federal Constitutional Law and Introduction to Property & Commercial Law and Examiner in Public Law, University of Sydney.
- 2019:** Graduate, Herbert Smith Freehills.
- 2018 – 2019:** Associate to the Honourable Justice JS Gleeson, Federal Court of Australia.

## CASES

Matter	Led by / team / against	Summary
<b>High Court of Australia</b>		
<i>Jones v Commonwealth of Australia &amp; Ors</i> [2023] HCA 34	Led by: Sebastian Hartford-Davis, Daniel Reynolds (and with Kate Bones) Instructed by: Fisher Dore Lawyers Against: Stephen Donoghue KC, Frances Gordon SC, Luca Moretti and Arnett Regan (instructed by AGS)	Constitutional law – validity of citizenship revocation power conferred by s 34(2)(b)(ii) of <i>Australian Citizenship Act 2007</i> (Cth); whether supported by s 51(xix) of <i>Constitution</i> (naturalization and aliens) and/or infringes Ch III separation of powers. Heard jointly with <i>Benbrika v MHA</i> [2023] HCA 33.
<i>Lowe v Pascoe</i> S18/2024 <i>Lowe v Sze Tu</i> S19/2024	Led by: Guy Reynolds SC, Philip Santucci	Partnership law – partners' obligation of indemnity or reimbursement in respect of partnership expenses or liabilities
<i>Stott v Commonwealth &amp; Victoria</i> M60/2024	Led by: Justin Gleeson SC and Sebastian Hartford-Davis  Instructed by Johnson Winter Slattery	Constitutional law; restitution – claim on behalf of persons who paid foreign purchaser additional duty and (foreign) land tax surcharge to the State of Victoria for restitution thereof – Victorian taxing statutes s 109 inconsistent with international taxation agreements given force of Commonwealth law; whether retroactive Commonwealth legislation removing inconsistency contravenes s 51(xxxi) just terms guarantee or cannot deem constitutional fact of inconsistency; whether further retroactive Victorian legislation s 109 inconsistent with subsisting Commonwealth legislation.
<i>QNI Resources Pty Ltd &amp; Anor v North Queensland Pipeline No 1 &amp; Anor</i> HCASLA B44 of 2022	Led by: Dominic Villa SC, Philip Santucci Instructed by: Alexander Law	Commercial law, equity – principle of good faith in contract, contractual penalties.
<i>XTVC v Commonwealth</i> S167/2023	Led by: David Hooke SC, Sebastian Hartford-Davis and Jason Donnelly	Constitutional law – Ch III – validity of curfew and electronic monitoring visa conditions imposed on non-citizens released following <i>NZYQ</i> .
<b>Intermediate appellate courts</b>		
<i>BDR21 v Australian Broadcasting Corporation</i> [2023] FCAFC 101	Led by: Brendan Lim Direct access Against: Craig Lenehan SC, Zelic Heger and Jackson Wherrett (instructed by AGS)	Constitutional law, statutory interpretation – interaction of <i>Public Interest Disclosure Act 2013</i> (Cth) and <i>Parliamentary Privilege Act 1987</i> (Cth), interpretation of s 49 of Constitution (privileges &c. of Houses).
<i>Commonwealth of Australia v Bradley Tonks (as liquidator of BCA National Training Group Pty Limited (in liquidation))</i> NSWCA [2023] NSWCA 285	Led by: Ben Katekar SC Instructed by SLF Lawyers Against: Jonathon Moore SC, Andrew Roe (instructed by Mills Oakley)	Corporations/insolvency – interaction of ss 556 and 561 of Corporations Act 2001 (Cth), whether priority creditors gain priority under s 561 over liquidator where secured creditor paid in full from non-circulating assets.
<i>David Burnett Ramsay v Minister administering the Water Management Act 2000</i> [2023] NSWCA 299	Led by: Zelic Heger Instructed by: NSW Department of Planning, Infrastructure & Environment Against: Clifford Ireland (instructed by Horton Rhodes)	Environment and planning, practice and procedure, statutory construction – appeal from summary dismissal of Class 1 proceedings) in respect of decision granting water access licence for lesser amount than sought for lack of jurisdiction under s 368(1) of <i>Water Management Act 2000</i> (NSW).

Matter	Led by / team / against	Summary
<i>Comcare v DSBL FCAFC</i> [2025] FCAFC 13	Led by: Dominic Villa SC, Matt Karam Against: Andrew Berger KC, Kate Slack	Administrative law, statutory construction — whether s 62 of the <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth) permits reconsideration by Comcare of a primary determination made under that Act after already reconsidered and subject to external merits review.
<i>GR v Secretary, Department of Communities and Justice</i> [2023] NSWCA 239	Led by: Catherine Gleeson SC Direct access ( <i>amicus</i> ) Against: Michael Dalla-Pozza (instructed by NSW Crown Solicitor)	Administrative law, practice and procedure — appeal against interlocutory decision of NCATAP against decision of NCAT refusing application to be joined to guardianship proceedings — denial of procedural fairness.
<i>Kingdom of Spain v Infrastructure Services Luxembourg SARL &amp; Anor</i> [2024] FCAFC 113	Led by: Scott Robertson SC, Philip Santucci Instructed by: K&L Gates	Practice and procedure – public international law – appeal against order for security for costs in respect of application to set aside <i>ex parte</i> orders – whether <i>ex parte</i> orders infringe consular privileges and immunities – whether denial of procedural fairness
<i>Kellie Brose &amp; Anor v Bruce Slade &amp; Anor</i> NSWCA 2023 / 00301064	Led by: Ben Kateker SC Instructed by: BAL Lawyers Against: James Mack, Bradley Smith	Equity – proprietary estoppel in respect of farming properties, whether primary erred by holding that contingent and aspirational representations capable of founding estoppel – powers of courts on appeal to reverse judgments below
<i>Wuwei Shi v Minister for Home Affairs</i> [2022] FCAFC 708	Led by: Philip Santucci Direct access ( <i>amicus</i> ) Against: Bora Kaplan (instructed by AGS)	Appellate, migration – Migration Act 1958 (Cth), judicial review of s 501 cancellation, whether meaningful consideration given to representations made under s 501CA.
<b>Superior courts</b>		
<i>Ali Aghaeirad v Plus500 Pty Ltd &amp; Anor</i> FCA NSD1405/2023	Led by Ruth Higgins SC and Peter Strickland (formerly also led by Darrell Barnett SC and Amy Munroe SC)  Instructed by Johnson Winter Slattery	Class actions – misleading or deceptive conduct, unconscionable conduct – issuance of CDFs.  Private international law – whether proceeding should be stayed, having regard to arbitration clause in user agreement – unfair contract terms.
<i>ASIC v Union Standard International Group Pty Ltd &amp; Ors</i> FCA NSD 2064 / 2019	Led by: Luke Livingstone SC, David Birch Instructed by Clayton Utz/ASIC	Corporations, statutory interpretation – extraterritorial application of s 912A(1)(a) of Corporations Act 2001 (Cth), whether limited to financial services provided to consumers in Australia.
<i>Broken Hill City Council v Redenbach Group Pty Ltd &amp; Ors</i> NSWSC 2023 / 00213494	Led by: Mark Brabazon SC Instructed by BAL Lawyers	Equity, contracts, restitution practice and procedure – misappropriations from trust funds and accessorial liability, entitlement to disbursements turning on issues of contractual formation and principles governing uplift fees chargeable under costs agreements, restitution of overpayments.
<i>BUSS (Queensland) Pty Ltd v Australian Prudential Regulation Authority &amp; Anor</i> FCA [2025] FCA 31	Led by Luke Livingston SC  Against Margret Allars SC, Jane Taylor  Instructed by MinterEllison	Administrative law – whether decision under s 29EA of the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth) to impose additional licence conditions on Applicant unlawful – whether relief should be refused by reason of availability of alternate relief
<i>Catherine Scott v Emancee Pty Ltd &amp; Ors</i> FCA NSD 245 / 2022	Led by: Bernard Coles KC Instructed by HWLE Against: Ian Faulkner SC Aligned party Lachlan Gyles SC, James Mack	Corporations, equity – oppression, just and equitable winding up claim in respect of family asset management company.

Matter	Led by / team / against	Summary
<i>Commissioner of the Australian Federal Police v Adam Michael Cranston &amp; Ors</i> NSWSC 2017 / 146280	Led by: David McLure SC, Greg O'Mahoney and Kim Anderson Instructed by AFP	Proceeds of crime – restraint and forfeiture of assets under <i>Proceeds of Crime Act 2002</i> (Cth).
<i>Commissioner of the Australian Federal Police v Stephen Mitchell &amp; Ors</i> ACTSC	Unled  Instructed by AFP	Proceeds of crime – restraint of assets under <i>Proceeds of Crime Act 2002</i> (Cth)
<i>Commissioner Chalker v Natasha Fyles, Kate Worden &amp; the Northern Territory</i> NTSC	Led by: Arthur Moses SC Instructed by Company Giles Against Nikolai Christrup SC (NTSG)	Public law, practice and procedure – interlocutory injunction, validity of threatened revocation of Police Commissioner's statutory appointment.
<i>Doyle's Farm Produce Pty Ltd v Murray Darling Basin Authority &amp; Commonwealth</i> NSWSC 2019/00150651	Led by Tony Bannon SC, David Sulan SC and Sebastian Hartford-Davis  Instructed by Banton Group	Negligence, class action – whether, having regard to statutory scheme in which it operated, MDBA owed duty of care in respect of river operations to water entitlement holders – whether MBDA breached that duty of care in ordering 'overbank transfer' of water in 2017 and 2018 – what loss was caused.
<i>eSafety Commissioner v X Corp</i> [2024] FCA 499; 393 FCR 354	Led by Bret Walker SC, Sebastian Hartford-Davis Instructed by: Ashurst	Public law, private international law – whether "removal" of content identified in notice issued by eSafety Commissioner for all X users internationally a "reasonable step" required by ss 109 and 111 of the <i>Online Safety Act 2011</i> (Cth); validity of notice.
<i>Gladys Crossa v ALDI Stores Ltd</i> NSWSC 2022 / 00189550	Unled Instructed by: Sparke Helmore	Practice and procedure – application for preliminary discovery.
<i>Infrastructure Services Luxembourg SARL v Kingdom of Spain</i> FCA NSD 602 / 2019	Led by: Philip Santucci Instructed by: K&L Gates	Private international law, practice and procedure – execution of investor-state arbitral awards, issues of foreign state and consular immunity.  Security for costs – security for costs of application to set aside ex parte judgment ( <i>Infrastructure Services Luxembourg S.à.r.l. v Kingdom of Spain (security for costs)</i> [2024] FCA 234)
<i>Jones v Minister for Immigration, Citizenship and Multicultural Affairs</i> FCA	Led by: Sebastian Hartford-Davis Instructed by: Fisher Dore Lawyers	Administrative law, judicial review – whether decision to revoke citizenship pursuant to s 34(2) of the <i>Australian Citizenship Act 2007</i> (Cth) made for impermissible purposes of retribution, denunciation and/or deterrence.
<i>Judo Bank Pty Ltd v Nathan Elali</i> NSWSC 2024/00464649	Led by: Sebastian Hartford-Davis Instructed by: Clayton Utz	Torts – injurious falsehood – whether plaintiff entitled to injunction restraining publication of alleged false statement.
<i>Kellie Brose &amp; Anor v Bruce Slade &amp; Anor</i> [2022] NSWSC 1785 [2023] NSWSC 1024	Led by: Ben Kateker SC Instructed by: BAL Lawyers Against: James Mack, Bradley Smith	Equity, property law, practice and procedure – proprietary estoppel, common intention constructive trust in respect of farming properties. Extension of caveat application, formal requirements for caveats.
<i>Maules Creek Community Council Inc v Environmental Protection Authority &amp; Maules Creek Coal Pty Ltd</i> NSWLEC	Led by Robert White  Against Perry Herzfeld SC, Kim Pham; Zelie Heger intervening on behalf of NSW Attorney-General	Constitutional law, environmental and planning, statutory construction – whether NSWLEC denied judicial review jurisdiction by privative clause appearing in s 78(5) of the <i>Protective of the Environment Operations Act 1997</i> (NSW)

Matter	Led by / team / against	Summary
2023/278997 [2024] NSWLEC 71 [2024] NSWLEC 123  <i>Michael Wilson &amp; Partners v Nicholls; Michael Wilson &amp; Partners v Emmott</i> NSWSC 2006 / 00268492 and 2016 / 0034380	Instructed by Environmental Defenders' Office  Unled in part, led by Ben Katekar SC in part	Practice and procedure – application for freezing and related orders, application to setting aside of subpoenas.
<i>Mikhaylova v Commissioner of Police, NSW Police Force</i> NSWSC 2024/170239	Unled Instructed by Crown Solicitor, NSW	Administrative law – judicial review of Local Court judgment refusing costs application under ss 213, 214 of the <i>Criminal Procedure Act 1986</i> (NSW) – principles governing denial of relief on discretionary grounds
<i>Murray Lower Darling Rivers Indigenous Nations v Cth of Australia &amp; Ors</i> FCA NSD 1201 / 2023	Led by: Craig Lenehan SC, Zelic Heger Instructed by: NSW Department of Planning, Infrastructure and Environment	Public law – judicial review of decision of Cth Minister for the Environment & Water to accredit water resource plan under s 65(5) of <i>Water Act 2007</i> (Cth) as compliant with Basin Plan requirements and decision of Murray Darling Basin Authority to recommend accreditation of plan under s 63(4) of that Act in circumstances where, when preparing water resource plan, State of NSW said to have failed to consult and have regard to objectives of Indigenous people in water resource plan area as required by Basin Plan.
<i>RREEF Infrastructure GP Limited &amp; Ors v Kingdom of Spain</i> FCA NSD 2169 / 2019	Led by: Scott Robertson SC, Philip Santucci Instructed by: Squire Patton Boggs	Private international law – recognition and enforcement of investor-state arbitral awards under the International Arbitration Act 1974 (Cth), in circumstances where Spain maintains disputes subject of awards not submitted to arbitration.
<i>Ross v Register, Supreme Court of NSW</i> NSWSC 2024/208200	Unled Instructed by Crown Solicitor's Office, NSW	Administrative law – judicial review of registrar's decision to refuse to postpone filing fees
<i>Sargent Security (Aus) Pty Ltd v Scottish Pacific (BFS) Pty Ltd</i> NSWSC 2020 / 0037869	Led by: Michael Izzo SC and Julie Granger Instructed by: King & Wood Mallesons Against: Nicholas Owens SC, Frank Tao, Nicholas Kapilafkas	Commercial – alleged unconscionable conduct within meaning ss 12CA, 12CB of the ASIC Act 2001 (Cth), ss 20 and 21 of the ACL and s 991A of the Corporations Act 2001 (Cth) in respect of secured creditor's provision of invoice factoring, appointment of receivers to assets of debtor.
<i>Scout Association of Australia New South Wales Branch v Hastings Residents Associations Incorporated</i> NSWSC 2024/00064273	Unled Instructed by HWLE	Real property – application for possession of land following termination of sublicence; misleading or deceptive conduct
<i>Senatore v Andriolo; Re Italo-Australian Club (ACT) Ltd</i> [2022] ACTSC 285	Led by: Ben Katekar SC Instructed by: BAL Lawyers Against Matt Karam, Liam Cavell	Equity, corporations – alleged breach of fiduciary and directors' duties, accessory liability in context of insolvency of cultural club.
<i>Simclair v State of Victoria</i> FCA VID 134/2024	Led by: Justin Gleeson SC, Rachel Doyle SC, David Sulan SC and Sebastian Hartford-Davis Instructed by: JWS	Constitutional law; class actions; restitution – claim on behalf of persons who paid foreign purchaser additional duty and (foreign) land tax surcharge to the State of Victoria for restitution thereof – Victorian taxing statutes s 109 inconsistent with international taxation agreements given force of Commonwealth law.

Matter	Led by / team / against	Summary
<i>Simon Hickey v State Parole Authority</i> [2022] NSWSC 1389	Led by: Zelie Heger Instructed by: NSW Crown Solicitor	Administrative law – application by high-risk offender under s 176 of <i>Crimes Administration of Sentences Act 1999</i> (NSW) for review of parole revocation.
<i>Shapkin v Lorenzato</i> NSWSC [2024] NSWSC 1620 [2024] NSWSC 1630	Unled Instructed by the Crown Solicitor's Office, NSW for the Attorney-General as intervenor	Administrative law, appeals – remedies, denial of relief on discretionary grounds – where review proceedings lack utility – alternate relief available – estoppel and waiver  Practice and procedure – reopening proceedings
<i>Spaul v Australian Media and Communications Authority</i> FCA ACD 61/2023	Led by: Zelie Heger Instructed by: AGS	Administrative law, human rights – applications under <i>Australian Human Rights Commission Act 1986</i> (Cth) and <i>ADJR Act</i> alleging ACMA engaged in age discrimination contrary to Age <i>Discrimination Act 2004</i> (Cth) in respect of alcohol advertising requirements in Free TV Code and fell into error – application for protective costs order.
<i>State of NSW v Marc Richardson</i> [2023] NSWSC 1048	Led by: James Emmett SC, Alice Zheng Instructed by: NSW Crown Solicitor Against E Kerkyasharian with D Bhutan (instructed by Legal Aid)	Public law – application for extended supervision order under <i>Terrorism (High Risk Offenders) Act 2017</i> (NSW).
<i>State of NSW v Moudasser Taleb</i> [2022] NSWSC 1748	Led by: Patricia McDonald SC, Rebecca McEwen Instructed by: NSW Crown Solicitor Against: D Bhutani (instructed by Legal Aid)	Public law – application for extended supervision order under <i>Terrorism (High Risk Offenders) Act 2017</i> (NSW).
<i>Sundarjee Bros (Aust) Pty Ltd v Sanjay Sundarjee &amp; Ors</i> NSWSC 2022 / 246803	Led by: James Hutton SC Instructed by: ABL Against: David McLure SC, Amelia Smith (instructed by Mills Oakley) Aligned parties: David Sulan SC, Ryan May	Equity, corporations, commercial law – breach of fiduciary and directors' duties, equitable duties of confidence; oppression and just and equitable winding up; conventional estoppel; contempt. Contempt – criminal contempt of court; non-compliance with search orders ( <i>Sundarjee Bros (Aust) Pty Ltd v Sanjay Sundarjee</i> [2024] NSWSC 237).
<i>TCXM v Commonwealth &amp; Minister for Immigration and Multicultural Affairs</i> FCA NSD225/2025	Led by: Emrys Nekvapil SC and Jason Donnelly Instructed by: Zafiri Lawyers	Migration, administrative law – whether applicant's removal to Nauru following receipt of notice under s 76AAA of <i>Migration Act 1958</i> (Cth) authorised and required – whether arrangement between Australia and Nauru within meaning of s 198AHB valid, whether notice valid, whether applicant holds permission from Nauru to enter and remain, whether removal reasonably practicable.
<i>The Owners – Strata Plan No 80877 (Mascot Towers) v Lamock Capital 2 Pty Ltd &amp; Ors</i> NSWSC [2023] NSWSC 1401	Led by: David Sulan SC, Jennifer Mee Instructed by: Bugden Allen Graham Against: M Castle, M Isaac, Z Hillman, S Robertson SC, D Allen, V Whittaker SC, H Lenigas	Equity, real property, statutory construction – principles governing termination of strata scheme under Pt 9 Div 3 Strata Schemes Development Act 2015 (NSW), priorities with respect to proceeds of sale as between strata lender and mortgagees.
<i>Ying v Hou</i> [2023] NSWSC 1291	Unled Instructed by: Sun Lawyers Against: Bora Kaplan, Allan Flick	Appellate, evidence – appeal on questions of law from judgment of Local Court, treatment of evidence.
<i>Wodzga v Wodzga</i> NSWSC 2024/00329419	Unled Instructed by Mills Oakley	Equity, real property, alternative dispute resolution – enforcement of expert determination in respect of sale of real property.

Matter	Led by / team / against	Summary
<b>Inferior courts and tribunals</b>		
<i>Atkinson v Department of Premier and Cabinet and the Premier of New South Wales</i> [2023] NSWCATAD 45	Led by: Philip Santucci Instructed by: Web Henderson Against Robert Pietriche (instructed by NSW Crown Solicitor)	Public law, statutory interpretation – interpretation and application of Cabinet information provisions of <i>Government Information (Public Access) Act 2009</i> (NSW).
<i>Jones v Minister for Immigration, Citizenship and Multicultural Affairs</i> AAT 2023/9190	Led by: Sebastian Hartford-Davis  Instructed by: Fisher Dore Lawyers	Administrative law – application for review of decision to revoke citizenship pursuant to s 34(2) of the <i>Australian Citizenship Act 2007</i> (Cth); application for extension of time.
<i>Lubavitch Jewish Centre Incorporated v Secretary, Department of Education</i> NCAT 2024/120882	Unled Instructed by: NSW Crown Solicitor	Administrative law – application for review of decision to cancel provider approval under s 33 of the <i>Children (Education and Care Services) National Law</i> (NSW) – application for stay of decision.
<i>Mabr EDV GMBH v Migration International Group Pty Ltd</i> NCAT 2023 / 24611	Unled Instructed by: K&L Gates	Private international law – NCAT’s statutory jurisdiction; enforcement of exclusive jurisdiction clause, forum <i>non conveniens</i> .
<i>R v Jake Watkin</i> NSWDC 2021/00246107	Unled Instructed by: NSW Crown Solicitor	Constitutional law – intervention on behalf of Attorney-General re whether s 29(i)(d), (e) and (f) of the <i>Children &amp; Young Persons (Care &amp; Protection) Act 1988</i> (NSW) apply with respect to application for permanent stay of criminal proceedings and, if so, whether they contravene <i>Kable</i> principle.
<i>R v IHMS (Aljaberi)</i> NSWLC 2021/00062182	Led by: Kylie Nomchong SC Instructed by: Seyfarth Shaw	Public law – whether s 216(1) of the <i>Criminal Procedure Act 1986</i> (NSW) picked up and applied to prosecution for federal WH&S offence by ss 68(1) and/or 79(1) of the <i>Judiciary Act 1903</i> (Cth).
<i>Shannon Goodenough v Coffs Harbour City Council</i> NCAT 2023 / 00232401	Unled Instructed by: Minter Ellison	Application under <i>Government Information (Public Access) Act 2009</i> (NSW) for release of commercially sensitive transaction documents held by local council.
<i>Treasury Services Group Pty Ltd v Australian Prudential Regulation Authority</i> AAT 7335 / 2023	Led by: Luke Livingstone SC Instructed by: APRA	Administrative law, financial services – review of decision of APRA to refuse a licence to carry on banking business under <i>Banking Act 1959</i> (Cth).
<i>Twitter Australia Holdings Pty Ltd &amp; X Corp v Australian Muslim Advocacy Network Ltd</i> QCAT Appeal Panel APL174-24	Led by: Sebastian Hartford-Davis Instructed by Thomson Geer Against: Ron Merkel SC and Jessie Taylor	Appellate, constitutional law, private international law, statutory construction – whether QCAT a “court of a state” within <i>Constitution</i> , Ch III able to exercise federal jurisdiction – matter requirement – whether QCAT authorised to exercise personal jurisdiction over persons outside Australian law areas – whether service of referral made under <i>Anti-Discrimination Act 1991</i> (Qld) must accord with <i>Service and Execution of Process Act 1992</i> (Cth) having regard to <i>Constitution</i> , s 109 – whether QCAT has subject matter jurisdiction under <i>Anti-Discrimination Act</i> in respect of conduct outside of Queensland law area.
<i>X Corp v eSafety Commissioner</i> AAT	Led by: Bret Walker Sc, Sebastian Hartford-Davis Instructed by: Ashurst	Administrative law, statutory construction – whether material “class 1” material within meaning of s 106 of the <i>Online Safety Act 2021</i> (Cth), whether removal notice under s 109 should be set

Matter	Led by / team / against	Summary
2024/2797		aside. (Following filing of SFIC and evidence, Commissioner conceded.)
<i>X Corp v eSafety Commissioner</i> ART 2024/2579	Led by: Perry Herzfeld SC Instructed by: Thompson Geer	Administrative law, statutory construction – whether non-periodic reporting notice under s 56 of the <i>Online Safety Act 2021</i> (Cth) should be varied or set aside – whether s 56 permits notice to specify interrogatories, or only permits notice in terms of s 56(2)(a)
<b>Alternative dispute resolution</b>		
Expert determination proceeding	Led by: Bret Walker SC, Sebastian Hartford-Davis Instructed by: HFW	Commercial law – construction of indemnity in construction contract, responsiveness to unenforceability of penal clause; interaction of common law and equitable penalties doctrines; status of <i>Citicorp v Hendry</i> (1984) 4 NSWLR 1 following <i>Andrews v ANZ</i> (2012) 247 CLR 205.
<b>Advice work</b>		
	Advice, including to Commonwealth, NSW, Queensland, Victorian and Northern Territory departments and instrumentalities on issues of statutory construction, merits of prosecutive claims, proposed administrative decisions.	
<b>As a solicitor (Herbert Smith Freehills)</b>		
<i>Citta Hobart Pty Ltd &amp; Anor v Carwithorn</i> [2022] HCA 16; 96 ALJR 476	Instructing (with Hobart Community Legal Service) Ron Merkel QC, SA Beckett, CJ Tran and LE Hilly	Constitutional law – federal jurisdiction and inconsistency of laws, whether State tribunal impermissibly purported to exercise judicial power of the Commonwealth.
<i>EG FuelCo(Australia) Ltd &amp; Anor v Ampol Australia Petroleum Pty Ltd &amp; Anor</i> FCA NSD 877/2021.	Instructing Declan Roche SC, Zoe Hillman	Competition and consumer law, contract – Anti-competitive conduct, misleading or deceptive conduct and breach of contract in respect of fuel supply and related agreements.
<i>Environment Victoria Inc v AGL Loy Yang Pty Ltd &amp; Ors.</i> VSC SECI 2021 03415	Instructing Brendan Lim	Administrative law, environment and planning – Judicial review of licencing decisions made by the Environmental Protection Authority Victoria.
<i>iSignthis Ltd &amp; Ors v ASX Ltd</i> FCA VID 1315/2019	Instructing Catherine Button SC, Brendan Lim	Public law, commercial law, practice and procedure – mis-exercise of public powers, misleading or deceptive conduct and breach of contract; security for costs.



## PRINCIPAL AREAS OF PRACTICE

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### COMMERCIAL LAW

Administrative Law

Appellate

Banking and Financial  
Services

Class Actions

Competition and Consumer

Conflict of Laws

Contracts

Corporations and Securities

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### EQUITY

Appellate

Property

Trusts

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### PUBLIC AND ADMINISTRATIVE LAW

Appellate

Constitutional Law

Judicial review and  
administrative law

Public law

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### COMMON LAW

Appellate

Class Actions

Professional Liability