

# LIST G BARRISTERS

## Dr Laura Hilly



Laura practises in public, commercial, regulatory, employment and anti-discrimination law.

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### QUALIFICATIONS

Doctor of Philosophy (PhD) (Law)  
Master of Philosophy (Masters by Research) (Law)  
Bachelor of Civil Law (Distinction)  
Bachelor of Laws (Honours)  
Bachelor of Arts

### CORRESPONDENCE

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### CHAMBERS

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Level 16 Room 17  
200 Queen Street  
Melbourne VIC 3000

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### COMMERCIAL LAW

Appellate | Contractual Disputes

### EMPLOYMENT & INDUSTRIAL

Appellate | Discrimination | Employment Contracts | Industrial Disputes | Public Sector Appeals | Statutory Employment Rights

### PUBLIC LAW

Administrative Law | Appellate | Civil & Human Rights | Commissions & Inquiries | Constitutional Law | Discrimination | Freedom of Information | Judicial Review | Native Title | Privacy

Laura practises in public, commercial, regulatory, employment and anti-discrimination law.

Laura has an appellate and trial practice and has appeared in the High Court, Court of Appeal, Supreme Court, Federal Court and various other courts and tribunals.

Laura was recognised as a “rising star” by [Legal 500 in 2022](#); one of the “ones to watch” in the [AFR Best Lawyers List in 2023](#); and then as a leading junior in Commercial Disputes in [Legal 500 in 2023](#) and [2024](#) with client feedback describing her as “*Incredibly incisive, easy to work with and impressive practical thinking*” and “*an exceptional junior who brings unique regulatory experience and background to complex commercial dispute matters*”. She was also recognised by [Doyles Guide](#) as leading employment law junior in 2023 and 2024.

Before coming to the Bar, Laura was a Senior Lawyer at the Australian Government Solicitor; an Associate to the Hon Chief Justice Black AC at the Federal Court; and a lawyer in the Commercial Litigation group at Blake Dawson (now Ashurst). Laura is also admitted in England and Wales and worked as a solicitor in a boutique London firm.

Laura holds a DPhil, MPhil and BCL (with distinction) from the University of Oxford where she studied as a Rhodes Scholar and a Clarendon Scholar. She graduated with first class honours, the University Medal in Law and the Supreme Court Judges’ Prize from her undergraduate degree at the Australian National University.

She is currently a Senior Fellow at the University of Melbourne and teaches International Equality Law on the Melbourne Law Masters. She was previously a Post-Doctoral Fellow at the University of Oxford and the Deputy Director of the Oxford Human Rights Hub.

Laura is a member of the Board of Directors of List G Barristers; the Board of Directors of Canberra Community Law; the Advisory Board of the Centre for Employment and Labour Relations Law (CERL) at the University of Melbourne; the Deputy Co-Chair of the Victorian Bar Pro Bono Committee and the Secretary of the Public Law section of the Commercial Bar Association.

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## Recent Cases

### PUBLIC LAW

***Cooper v National Offshore Petroleum Safety and Environmental Management Authority*** [\[2023\] FCA 1112](#) (injunction) (unled, with P Coleridge) – successful application for injunction to restrain Woodside Energy Group Ltd from undertaking seismic survey in respect of the Scarborough gas project.

***Cooper v National Offshore Petroleum Safety and Environmental Management Authority*** [\[2023\] FCA 1158](#) (final hearing) (led by C Harris SC, with P Coleridge) – successful judicial review of regulator’s approval of environmental plan.

***Mpwerempwer Aboriginal Corporation v Minister for Territory Families and Urban Housing as delegate of the Minister for Environment*** [2024] NTSC 4 (on appeal) (led by Chris Young KC) – judicial review – challenge by traditional owners to grant of water licence.

***Austin on behalf of the Eastern Maar People v State of Victoria*** [\[2023\] FCA 237](#) (led by Peter Willis SC) - consent determination of native title under s 87A of the *Native Title Act 1993* (Cth).

Advising and appearing on behalf of the Premier, Ministers and senior Victorian Government witnesses in the Royal Commission into Past and Ongoing Injustices Experienced by Victorian First Peoples (the *Yoorrook Justice Commission*) (2023, led by C Horan KC with G Cafarella and P Coleridge; 2024 led by E

Bennett SC with S Keating and N Peatrie).

**Environment Centre NT (Inc) v Pastoral Land Board of the Northern Territory & Ors** (2023, Northern Territory Supreme Court) (led by J Hutton SC with P Coleridge) — judicial review; land clearing; proper construction of scheme for pastoral leases, resolved following revocation of lease.

**Montagner and Secretary, Department of Health and Aged Care** [2023] AAT 1443 (unled) - Freedom of Information - deliberative process exemptions.

**Babbage and Australian Securities and Investments Commission** [2023] AATA 3487 (unled) – merits review of decision to make order banning person from providing financial services.

**Attorney-General v Khan** [2022] VSC 687 (led by S Ginsbourg with R McEwen) - application for interim supervision orders and an extended supervision orders under the *Criminal Code Act 1995* (Cth) following imprisonment for terrorism offences

**Attorney-General v Khan (Suppression Order)** [2022] VSC 627 (led by S Ginsbourg) - suppression and non-publication orders - terrorism - protection of security and prejudice to the proper administration of justice and national security.

**XY (A Pseudonym) v Companies Auditors Disciplinary Board, Australian Securities and Investments Commission & Anor** [2022] FCA 1583 (led by R Seiden SC) – judicial review – regulatory – whether error in refusal of Board to stay of disciplinary proceedings where criminal proceedings were pending – statutory interpretation – suppression and non-publication orders.

**Citta Hobart Pty Ltd v Cawthorn** [2022] HCA 16 (led by R Merkel KC with S Beckett and C Tran);

**Cawthorn v Citta Hobart & Anor** [2020] TASFC 15 (led by R Merkel KC with S Beckett) – disability discrimination and constitutional law – access to facilities – questions on the exercise of federal jurisdiction by a State Tribunal and s 109 inconsistency between State and Commonwealth anti-discrimination law.

**HYY (Guardianship)** [2022] VCAT 97 (led by Liam Brown, Crown Counsel) - intervening on behalf of the Attorney-General - application for advice - proper construction of guardianship power to - whether 'physical restraint' authorised - whether interpretation incompatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

**Infosys Technologies Ltd v State of Victoria** [2021] VSCA 219 (led by Paul O'Grady KC) – statutory construction of the *Long Service Leave Act 2018* (Vic) and s 48(b) of the *Interpretation of Legislation Act 1984* (Vic).

**Angel Flight Australia v Civil Aviation Safety Authority** [2021] FCA 469 (interlocutory decision [2020] FCA 1316) (led by led by Peter Hanks KC) – administrative law – on behalf of the Commonwealth – judicial review of the making of a statutory instrument.

**Northern Territory v Griffith** (2019) 364 ALR 208; [2019] HCA 7 (led by S Glacken KC with G Hill SC) – native title – proper approach to compensation under the *Native Title Act 1993* (Cth), including test for awarding compensation for loss of traditional attachment to land and connection to country

**Northern Territory v Griffith** (2019) ALJR 803; [2019] HCA 19 (led by Sturt Glacken KC) – native title – suppression and non-publication orders in respect of gender restricted evidence.

**BQQ15 v Minister for Home Affairs** [2019] FCAFC 218 (with M Albert) – on behalf of the applicant – judicial review – appeal to the Full Court of the Federal Court of Australia for judicial review of decision made under the *Migration Act 1958* (Cth).

**Clark v Minister for the Environment** [2019] FCA 2027 (led by C Horan QC) – administrative law – on behalf of the Commonwealth - judicial review of decision made under the *Aboriginal Heritage Protection Act 1984* (Cth).

**Secretary to Department of Education and Training v Paul and Disciplinary Appeals Board** [2019] VSC

[670](#) (led by P Neskovic QC), on appeal: *Secretary to Department of Education and Training v Paul* [\[2020\] VSCA 280](#) (unled) – administrative law - judicial review of decision of the Disciplinary Appeals Board.

*Re An Application under section 10 of Witness Protection Act 1991* [\[2018\] VSC 810](#) (with E Nekvapil) – appearing on behalf of the Chief Commissioner of Police - information protection of evidence from human sources.

*Kaliszewski v Department of Justice and Regulation* (Human Rights) [\[2018\] VCAT 2035](#) (unled) – claim for breaches of the *Privacy and Data Protection Act 2014* (Vic).

#### COMMERCIAL AND REGULATORY

*Vicinity Funds & Ors v Commissioner of State Revenue* (Supreme Court of Victoria S ECI 2021 00032-33) (reserved, led by D McInerney KC with K Chan) – revenue - acting for the taxpayer in respect of assessment of duty payable on transfer of leases over land.

*Babbage and Australian Securities and Investments Commission* [\[2023\] AATA 3487](#) (unled) – merits review of decision to make order banning person from providing financial services.

*XY (A Pseudonym) v Companies Auditors Disciplinary Board, Australian Securities and Investments Commission & Anor* [\[2022\] FCA 1583](#) – judicial review – regulatory – whether error in refusal of Board to stay of disciplinary proceedings where criminal proceedings were pending – statutory interpretation – suppression and non-publication orders.

*Zivkovic & Ors v Parke* [\[2022\] VSCA 43](#) (led by J P Moore KC) - contracts - interpretation of settlement agreement in defamation proceedings - accord and satisfaction or accord and conditional satisfaction.

*Australian Securities and Investments Commission v GoGetta Equipment Fundy Pty Ltd* [\[2021\] FCA 420](#) (with E Nekvapil) - regulatory - National Credit Act - penalty.

*Daswan Australia Pty Ltd v Linacre Developments Pty Ltd (in liq)* [\[2018\] VSCA 350](#) (led by J P Moore KC) – contracts – interpretation of deed of compromise - accord and satisfaction or accord and conditional satisfaction.

*Australian Competition and Consumer Commission v Landmark Operations* [\[2018\] FCA 1977](#) (led by O Bigos KC) – regulatory – consumer law – misleading or deceptive conduct.

*Szuch v Australian Prudential Regulatory Authority* [\[2018\] FCA 405](#), unled – regulatory – application for discontinuance of disqualification.

Appearing on behalf of Australian Skills Quality Authority in before the Administrative Appeals Tribunal in relation to administrative decisions made under the National Vocational Education and Training Regulator Act 2011 (Cth), both led and unled, for example, *Complete Training Institute Pty Ltd and Australian Skills Quality Authority* [\[2018\] AATA 4638](#) (with S Rebikoff).

#### DISCRIMINATION AND EMPLOYMENT

*Wheatley v Fire Rescue Victoria* (Human Rights) [\[2023\] VCAT 12](#) (first instance); *Fire Rescue Victoria v Wheatley* [\[2023\] VSC 269](#) (appeal) (led by C Harris KC) - sexual harassment and sex discrimination - application for strike out of claims on the basis of delay.

*Goldfinger v Victoria Police (Human Rights)* [\[2023\] VCAT 390](#) (unled) – allegations of race and religious

discrimination and vilification.

*Short v Immutable Pty Ltd* [2023] FWC 1201 (unled) – unfair dismissal and questions of application of *Professional Employees Award 2020* and *Miscellaneous Award 2020*.

*Australian Municipal, Administrative, Clerical and Services Union (ASU) v Commissioner of Taxation* [2022] FCA 1225 (led by P O'Grady KC with Madeleine Salinger) – alleged breaches of the enterprise agreement, adverse action and misrepresentations in the context of Tax Office's COVID-19 work from home policy.

*Brunec v Department of Justice and Community Safety* [2022] FWCFB 137 (appeal - unled), [2022] FWC 1262 (first instance - unled) – unfair dismissal – unable to perform inherent requirements of position due to vaccination status.

*Citta Hobart Pty Ltd v Cawthorn* [2022] HCA 16 (led by R Merkel KC with S Beckett and C Tran);

*Cawthorn v Citta Hobart & Anor* [2020] TASFC 15 (led by R Merkel KC with S Beckett) – disability discrimination and constitutional law – access to facilities – questions on the exercise of federal jurisdiction by a State Tribunal and s 109 inconsistency between State and Commonwealth anti-discrimination law.

*Van Niekerk v State of Victoria (Victoria Police)* (Human Rights) [2022] VCAT 1267 (unled) - discrimination - summary dismissal - question of whether Victoria Police were providing a "service" to the complainant when performing police functions, including policing a protest.

*Infosys Technologies Ltd v State of Victoria* [2021] VSCA 219 (led by Paul O'Grady KC) – statutory construction of the *Long Service Leave Act 2018* (Vic) and s 48(b) of the *Interpretation of Legislation Act 1984* (Vic).

*Wright v Chief Commissioner of Police* [2020] FCA 21 (interlocutory, substantive matter resolved) (led by C Harris KC) – disability discrimination in respect of accommodation of an assistance animal.

*Heenan v Jetstar Australia & Anor* (2020, VID368/ 2020, resolved) (led by J Firkin KC with J Lucas) – on behalf of the applicant – disability discrimination – access to facilities and services.

*Milam v University of Melbourne* [2019] FCA 171 (interlocutory, substantive matter resolved) – employment law – injunction to prevent continuation of workplace investigation (led by P O'Grady KC).

*Varasdi v State of Victoria* [2018] FCA 1655 (interlocutory strike out); *Varasdi as Litigation Representative for Mimi Varasdi v State of Victoria (No 2)* [2019] FCA 1929 (costs) (substantive matter ongoing) (led by C Harris KC) – claim for disability discrimination in education.

*Ferris v State of Victoria* [2018] VSCA 240 (with S Fitzgerald) – Court of Appeal of the Supreme Court of Victoria – disability discrimination in employment.

*Snell v State of Victoria* (2019) (with E Bennett SC) – Federal Court of Australia – claim for disability discrimination in education.

## Memberships

Member of the Board of Directors of Canberra Community Law

Member of the Victorian Bar Pro Bono Committee

Secretary for the Public Law section of the Commercial Bar Association

Member of the Advisory Board of the Centre for Employment and Labour Relations Law (CERL) at the University of

**Melbourne**