

LIST G BARRISTERS

Dr Laura Hilly



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

QUALIFICATIONS

Doctor of Philosophy (PhD) (Law) **P** 03 9225 8558
Master of Philosophy (Masters by **F** 03 9225 8668
Research) (Law) **E** laura.hilly@vicbar.com.au
Bachelor of Civil Law
(Distinction)
Bachelor of Laws (Honours)
Bachelor of Arts

CORRESPONDENCE

CHAMBERS

Aickin Chambers
Level 16 Room 17
200 Queen Street
Melbourne VIC 3000

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 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. She is regularly briefed by both State and Commonwealth departments and agencies, and by private parties, in a variety of areas.

Before coming to the Bar, Laura was a Senior Lawyer at the Australian Government Solicitor. Laura acted for the Commonwealth in administrative law, regulatory, anti-discrimination, employment and information protection (including freedom of information and privacy) matters. She was 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, specialising in employment and anti-discrimination litigation.

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 was also a Post-Doctoral Fellow at the University of Oxford and the Deputy Director of the Oxford Human Rights Hub. She has taught administrative law and human rights law at the University of Oxford, litigation and dispute management at the Australian National University, and administrative law at the University of Melbourne.

Liability limited by a scheme approved under the Professional Standards Legislation

Recent Cases

PUBLIC LAW

Northern Territory v Griffith (2019) 364 ALR 208; [\[2019\] HCA 7](#) (led by S Glacken QC with G Hill) – 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 QC) – native title – suppression and non-publication orders in respect of gender restricted evidence.

Thompson v Andrews & Ors (2019, C14 of 2018) (with E Nekvapil) application for special leave to appeal to the High Court of Australia on the question of police powers to enter private dwellings to effect arrest for breach of bail.

Cawthorn v Citta Hobart & Anor (2020, 3319/2019, reserved) (led by R Merkel QC with S Beckett) – before the Full Court of the Supreme Court of Tasmania – on behalf of the applicant – disability discrimination and constitutional law – access to facilities – questions on the exercise of federal jurisdiction by a State Tribunal and s 109 inconsistency.

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).

Reif v Northern Territory (2020, NTS16/2019, resolved) (led by S Glacken QC) – native title – proper construction of s 233 of the Native Title Act 1993 (Cth).

Jidah 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).

Angel Flight Australia v Civil Aviation Safety Authority (VID222/2019, ongoing) (led by Peter Hanks QC) – administrative law – on behalf of the Commonwealth – judicial review of the making of a statutory instrument.

Secretary to Department of Education and Training v Paul and Disciplinary Appeals Board [\[2019\] VSC 670](#) (led by P Neskovic QC, unled on appeal (pending)) – 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.

Proceedings for judicial review in the Federal Court of Australia of a decision of the Director of Professional Services Review made pursuant to the Health Insurance Act 1973 (Cth), on behalf of the Commonwealth (led by Peter Gray QC).

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).

Application in VCAT for suppression and non-disclosure orders on behalf of State agency, unled.

COMMERCIAL AND REGULATORY

Daswan Australia Pty Ltd v Linacre Developments Pty Ltd (in liq) [\[2018\] VSCA 350](#) (led by J P Moore QC) – contracts – interpretation of deed of compromise.

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

Coleiro v IBM Australia Ltd (2020, SCCIV-11-1136, resolved) – before the Supreme Court of South Australia – contracts – interpretation of contract of employment (led by J Firkin QC).

Proceeding in the Federal Court of Australia in relation to the construction of an ex gratia payment clause in a Commonwealth contract pertaining to the calculation of rates payable on Commonwealth land, on behalf of the Commonwealth (led by Peter Gray QC).

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

Various merits review proceedings on behalf of the Australian Securities and Investments Commission before the Administrative Appeals Tribunal in relation to administrative banning orders (unled).

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

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

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

Cawthorn v Citta Hobart & Anor (2020, 3319/2019, reserved) (led by R Merkel QC with S Beckett) – before the Full Court of the Supreme Court of Tasmania – on behalf of the applicant – disability discrimination and constitutional law – access to facilities – questions on the exercise of federal jurisdiction by a State Tribunal and s 109 inconsistency.

Coleiro v IBM Australia Ltd (2020, SCCIV-11-1136) – before the Supreme Court of South Australia – contracts – interpretation of contract of employment (led by J Firkin QC).

Milam v University of Melbourne [\[2019\] FCA 171](#) (interlocutory, substantive matter resolved) – employment law – breach of enterprise agreement (led by P O’Grady QC).

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 QC) – claim for disability discrimination in education.

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

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

ADVICE WORK

Laura has a significant advice practice. Since coming to the bar she has provided advice in relation to various issues, including statutory interpretation, administrative law, constitutional law, the Victorian Charter of Rights and Responsibilities, discrimination law (including advice pertaining to sex, disability, race, religion and sexual orientation and gender identity discrimination), native title, privacy and freedom of information, both unled and as a junior to various Senior Counsel including, Kristen Walker QC, Victorian Solicitor-General, Peter Hanks QC, Alan Myers QC, Sturt Glacken QC, Justin Bourke QC, Peter Gray QC, Rowena Orr QC, Peter Willis SC, Claire Harris QC, Jenny Firkin QC.

Memberships

Member of the Board of Directors of List G Barristers

Member of the Board of Directors of Canberra Community Law

Member of the Victorian Bar Pro Bono Committee

Monitor for the Public Law section of the Commercial Bar Association