



FIONA T ROUGHLEY

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Professional

NSW Bar (since 2011). Ranked in:

Chambers and Partners, Dispute Resolution (Junior Counsel) (2016 - 2019)

Doyle's Guide to leading junior counsel in commercial litigation and dispute resolution (2015 - 2019); insolvency and restructuring (2018, 2019), competition (2018, 2019)

Principal Research Officer, Department of the Senate, Parliament of Australia (2010).

Select Committee on the NBN; Select Committee on the Reform of the Australian Federation; Standing Committee on Legal and Constitutional Affairs.

Associate to the Hon. Justice Hayne AC, High Court of Australia (2009-2010).

Allens Arthur Robinson, Lawyer (2008 –2009). Competition and Litigation.

North Australian Aboriginal Justice Agency (intern) (Nov 2007 – Feb 2008).

Australian Law Reform Commission (intern) (July – Nov 2006).

Cambridge University Pro-Bono Project. 2010-2011.

Education

Australian Institute of Company Directors

Graduate, AICD Company Directors Course (2018).

The Australian National University

PhD candidate (2015-present; part-time).

Thesis topic: the role of the Attorney-General for the Commonwealth.

Australian Postgraduate Research Training Scholarship.

The University of Cambridge

Master of Law, Hons Class I (2011).

Gates Cambridge Scholarship, funded by the Bill and Melinda Gates Foundation.

Australian Bicentennial Award for postgraduate study in the UK; Jesus College Foundation Scholarship; first in Course: History and Philosophy of International Law.

The University of Sydney

Bachelor of Laws, Hons Class I and the University Medal in Law (2008).

Bachelor of Arts, Hons Class I and the University Medal in English (2006).

The University of Sydney Convocation Medal (2006) for exceptional contribution to the University and academic excellence.

Bachelor of Laws prizes

Winner, World 2007 Phillip C Jessup International Law Moot (Washington DC).

RG Henderson Memorial Prize (NSW Bar Association) for graduating first in class; Rose Scott Prize for Proficiency at Graduation by a Woman Candidate; The Joye Prize in Law for first placed student (Graduate and Combined Law); ED Roper Memorial Prize for First in Equity and Corporate Law; Ian Joye Prize in Law for the first placed student in law (penultimate year); George and Matilda Harris Scholarship No 1 for most distinguished student entering final year of a combined law degree; Lexis Nexis Prize No 5 for most proficient student in Combined Law IV; Minter Ellison Scholarship for top student commencing fourth year of the Combined Law Degree; Law Society of NSW Prize for placing first in Law, Lawyers and Justice; Lexis Nexis Prize No 3 for most proficient student in Combined Law III; The Margaret Dalrymple Hay Prize for Law, Lawyers and Justice; The Aaron Levine Prize for Criminal Law; Butterworths Prize for most proficient student in Combined Law I.

Other prizes

University of Sydney Honours Scholarship; Janet Elspeth Crawford Prize for Honours results; Dean's List of Meritorious Students; The Public Service Association of NSW John S. D'Arcy Memorial Prize, Government II; Australian Federation of University Women – NSW Prize – for Proficiency in English II; Walter Reid Memorial Book Fund Grant (2003-2007); University of Sydney Continuing Undergraduate Scholarship (2003); E. Trenchard Miller Scholarship for proficiency in the HSC; Boston Consulting Group Undergraduate Scholarship (2006).

Community

Council member, Pymble Ladies' College Council (2019 - present).

Council member, Council of Law Reporting for New South Wales (2018-present).

Editorial: *Bar News* editorial committee (2012-2015); *Cambridge Student Law Review* (editor, 2010/11); *The Sydney University Law Review* (student editor, 2007); *Polemic*, the Sydney University Law Society's journal (2007); *Hermes*, the University of Sydney Union's literary journal (2004); *Honi Soit* (2003).

Publications

Fiona Roughley, 'The Role of the Solicitor-General: Negotiating Law, Politics and the Public Interest' [Book Review] (2017) 24 *Australian Journal of Administrative Law* 205.

Fiona Roughley, 'Ian Hancock's *Tom Hughes QC: a Cab on the Rank*' [Book Review] (2016) 102 *Journal of the Royal Australian Historical Society* 244.

Fiona Roughley, 'Royal Commissions and Contempt of Court: The Effect of Curial Proceedings' (2015) 38 *UNSW Law Journal* 1123.

Fiona Roughley, 'Old Law, New Law: A Second Australian Miscellany' [Book review] *Bar News*, Autumn 2015, 59.

Fiona Roughley and Anya Poukchanski, 'Who said you could say "waiver"? Inadvertent disclosure of privileged communications', *Bar News*, Summer 2014, 22-23.

Fiona Roughley, 'The Development of the Conscience in Equity' in JT Gleeson SC, JA Watson, RCA Higgins and E Peden (eds) *Foundations of Australian Legal History* (Federation Press, 2013).

Fiona Roughley, 'The Byers Lectures 2000 – 2012' [Book review] *Bar News*, Autumn 2013.

Sandy Dawson and Fiona Roughley, 'Suppression and Third Party Access: Part II – The How, When and Where of non-Party Access', *Bar News*, Autumn 2013.

Sandy Dawson and Fiona Roughley, 'Suppression and Third-Party Access: Part 1 – Keeping it Quiet', *Bar News*, Summer 2013.

Fiona Roughley, '*Eugenia* by Mark Tedeschi QC' [Book review] *Bar News*, Summer 2013.

Fiona Roughley, 'Section 249D and the activist member: *GetUp!* Told to lie down (for a while)' (2012) 16 *Butterworths Corporation Law Bulletin* 6-8.

Fiona Roughley, 'Surveillance and reasonable expectations of privacy: *US v Jones* 564 US _ (2011)', Recent Developments, *Bar News*, Autumn 2012.

Karinne Coombes and Fiona Roughley, 'Thematic Analysis: Human Rights and the 2010/11 UK Supreme Court', (2011) 7(2) *Cambridge Student Law Review* 26-35.

Emily Gladden and Fiona Roughley, 'Let Them Vote', (2011) 8(1) *The Gates Scholar* 14.

Fiona Roughley, 'Revolution behind bars may come at too high a price', (Op Ed), *The Sydney Morning Herald*, 20 November 2010, p.24.

Fiona Roughley, 'Spatialising experience: Gail Jones' *Black Mirror* and the Contending of Postmodern Space' (2007) 23 *Australian Literary Studies* 58.

Fiona Roughley, 'Textual Legitimacy when thinking global, acting local: The role of international conventions in judicial review of administrative action' (2006) 2 *Polemic* 4.

Participant writer and researcher for ALRC, 'Review of Privacy' (Issues Paper 31) (2006).

Recent cases (unled)

<i>Poulos v Commonwealth Bank of Australia</i>	[2019] NSWCA 241	Leave to appeal summary dismissal
<i>Capic v Ford Motor Company of Australia</i>	[2019] FCA 1065	Costs forthwith
<i>James v National Disability Insurance Agency</i>	AAT (decision reserved)	Access to National Disability Insurance Scheme
<i>Kearney v Amirbeaggi & Anor</i>	2019 NSWSC (Ierace J; adjourned for further written submissions)	Abuse of process
<i>New Hope Corporation Ltd v Northern Energy Corporation Ltd (administrators appointed) (No 2)</i>	[2019] NSWSC 952	Costs and form of declaratory relief – <i>Leading G W Keesing</i>
<i>NNXF and National Disability Insurance Scheme</i>	2019, AAT (President The Hon Justice Thomas, Deputy President Forgie, Deputy President Britten-Jones, decision reserved)	Statutory construction – National Disability Insurance Scheme – Tribunal jurisdiction
<i>Chandrasekaran v Western Sydney Local Health Division (No 7)</i>	[2019] NSWSC 567	Strike out
<i>Poulos v Elliott</i>	[2019] NSWSC 423	Summary dismissal and indemnity costs – <i>Leading J Entwistle</i>
<i>Aurora Funds Management v Bond Street Custodians & Ors</i>	[2019] NSWSC 304	Summary dismissal and indemnity costs
<i>LTDC Pty Ltd v Cashflow Finance Australia Pty Ltd</i>	[2019] NSWSC 150	Final hearing - real property priorities dispute between lenders
<i>Targus Australia v Targus Group (UK) Limited & Ors</i>	[2018] NSWSC 1322	Interlocutory – injunctions – supply of goods; unconscionable conduct
<i>Targus Group (UK) v Targus Group</i>	[2018] NSWSC 1171	Interlocutory – shareholder dispute
<i>AVID Development Pty Ltd v Defence Housing Australia</i>	2018 NSWSC (Hammerschlag J), settled during closing submissions	Final hearing – contract construction
<i>Westpac Banking Corporation v Southern Environmental Services</i>	[2017] NSWSC 626	Interlocutory – security for costs
<i>Hastie Group Ltd (in liq) v Bourne & Ors</i>	[2017] NSWSC 709	Interlocutory – pleading amendment
<i>Apotex Pty Ltd v AstraZenecaAB</i>	2017 FCA, Jagot J	Interlocutory - discovery
<i>Westpac Banking Corporation v Southern Environmental Services</i>	[2017] NSWSC 330	Interlocutory – contested production
<i>Liquidators of Steel Building Systems Pty Ltd (in liq)</i>	2017 NSWSC	Liquidators' examination
<i>CML Holdings v Glad Security Pty Ltd</i>	2017 District Court (settled after 3 days)	Final hearing – factoring and contract law

<i>Cape Byron Power I Pty Ltd v Tenova SEMF Pty Limited</i>	2017 District Court	Interlocutory – pleading amendment
<i>CML Holdings Pty Ltd v CBP Contractors Pty Ltd</i>	2017 Local Court	Final hearing – construction - contract
<i>Chidiac v Moussa</i>	2016 – 2017 Local Court	Final hearing – legal services contract
<i>Walker v Secretary, Dept of Health</i>	[2016] FCA 233	Appeal from AAT
<i>Pireh v Coorey</i>	2016 NSWSC (Bergin CJ in Eq)	Preliminary discovery
<i>Broad v Inchcape Automatic Retail Pty Ltd T/S North Shore Volkswagen</i>	NCAT, 2016	Representing Volkswagen entities
<i>Veejay Trans P/L v BU Group P/L</i>	2016 Local Court	Final hearing – construction - contract
<i>Cleansurance Australia P/L v The Henley Group P/L</i>	2016 Local Court	Final hearing – contract debt
<i>Hermes Capital Australia v Gateway Providores P/L</i>	2016 District Court	Interlocutory – security for costs
<i>D&W Plumbing and Civil Contractors Pty Ltd v Jeffsan Excavations Pty Ltd</i>	2016 Local Court	Final hearing – construction - contract
<i>Hills Limited v Van Der Ent</i>	2016 Local Court	Final hearing – contract debt
<i>Commonwealth v Sanofi</i>	2015 FCA (Nicholas J)	Interlocutory – contested production
<i>Dawn Jade Limited v Dua</i>	2015 NSWSC (Rothman J)	Interlocutory – instalment orders
<i>ICAC - Operation Elgar</i>	ICAC, 2015	Representing an interested party
<i>Churchill v Paschini</i>	[2015] NSWCATCD	Final hearing – defective building work
<i>Liquidators of Deluxe Developments</i>	2015 NSWSC	Liquidators' examination
<i>Liquidators of Tighrope Retail Pty Ltd</i>	2015 NSWSC	Liquidators' examination
<i>Tailored Services Pty Limited v Glad Cleaning Pty Limited</i>	2015 Local Court	Final hearing – contract debt
<i>Melandra Constructions Ptd Ltd v Airlite Windows Pty Limited</i>	2015 Local Court	Final hearing – defective goods (settled at hearing); interlocutory motions - various

Recent cases (led by Senior Counsel)

<i>Asirifi-Otchere v Swann Insurance (Aust) Pty Ltd</i>	[2019] FCA 1500	Common fund order – <i>Led by JK Kirk SC</i>
<i>APRA v Kelahe & Ors</i>	[2019] FCA 1521	Superannuation – duties of superannuation entity licensees and their directors – <i>Led by R Dick SC, and with J Entwisle</i>
<i>New Hope & Ors v Northern Energy Corporation Limited (administrators appointed) & Ors</i>	[2019] NSWSC 879	Contract construction – <i>Led by NC Hutley SC</i> (for this part of case); <i>JC Giles with G Keesing also appearing for same clients in respect of rectification</i>

<i>In the matter of Phonographic Performance Company of Australia Limited</i>	[2019] FCAFC 95	Judicial review of decision of Copyright Tribunal – <i>Led by C Dimitriadis SC and S Free</i>
<i>Otsuka Pharmaceutical Co Ltd v Generic Health Pty Ltd</i>	[2019] FCA 230	Interlocutory – pleadings – <i>Led by PJ Brereton SC and P Knowles</i>
<i>ASIC v Westpac Banking Corporation</i>	[2018] FCA 1733	Proposed declaration and penalty by consent – <i>appeared as amicus curiae with JT Gleeson SC</i>
<i>Capic v Ford Motor Company (No 3)</i>	[2018] FCA 771	Interlocutory – group member communications; pleadings – <i>Led by I Pike SC</i>
<i>Northern Beaches Council v Built Development (Manly) Pty Ltd</i> <i>Built Development (Manly) Pty Ltd v Northern Beaches Council</i>	[2018] NSWCA 193 [2018] NSWSC 750	Interlocutory – strike out – <i>Led by C H Withers</i>
<i>ACCC v Cascade Coal Pty Ltd (No 3)</i>	[2018] FCA 1019	Final hearing – cartel conduct – <i>Led by CRC Newlinds SC</i>
<i>Commonwealth of Australia v Sanofi</i>	[2017] FCA 382	Interlocutory – unenforceable terms of settlement deed – <i>Led by T M Howe QC</i>
<i>H Lundbeck A/S v Commissioner of Patents</i>	[2017] FCA 56	Judicial review - <i>Led by C Dimitriadis SC and N Murray</i>
<i>ACCC v Prysmian Cavi E Sistemi S.R.L.</i>	[2017] FCA 851	Penalty hearing – <i>Led by CA Moore SC</i>
<i>Sanofi v Commonwealth of Australia</i>	[2016] HCASL 98	Application for special leave to appeal - <i>Led by JT Gleeson SC and T M Howe QC</i>
<i>Cantor v Audi Australia Pty Ltd</i>	[2016] FCA 1391	Interlocutory – privilege – <i>Led by RCA Higgins</i>
<i>Reference by Phonographic Performance Company of Australia</i>	[2017] ACopyT 1	Licence Scheme – <i>Led by C Dimitriadis SC</i>
<i>Reference by Phonographic Performance Company of Australia</i>	[2016] ACopyT 3	Final hearing – <i>Led by PJ Brereton SC and C Dimitriadis SC</i>
<i>AstraZeneca AB v Apotex Pty Ltd</i>	(2015) 89 ALJR 798; [2015] HCA 30	Intervening for the Commonwealth - <i>Led by JT Gleeson SC</i>
<i>Sanofi-Aventis v Apotex Pty Ltd</i>	[2015] HCATrans 300	Application for special leave to appeal – <i>Led by JT Gleeson SC</i>
<i>Apotex v Sanofi-Aventis; Alphapharm v Wyeth</i>	[2015] FCFCA 172	Stated case to the Full Court – <i>Led by JT Gleeson SC and T Howe QC</i>
<i>Commonwealth v Sanofi-Aventis</i>	[2015] FCA 384	Interlocutory – pleading – <i>Led by T Howe QC</i>
<i>Origin Energy Electricity Limited, AEMO & Ors</i>	25-27 July 2016 Dispute Panel under the National Electricity Rules	Final hearing before the Dispute Panel under cl 8.2.5 of the National Electricity Rules – <i>Led by RCA Higgins</i>

Royal Commissions

Counsel assisting, Royal Commission into Trade Union Governance and Corruption (2014)