



**FIONA  
ROUGHLEY**  
*Barrister*

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fiona.roughley@banco.net.au

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PROFESSIONAL

**NSW Bar** (since 2011). Ranked in:

**Chambers and Partners** Dispute Resolution (Junior Counsel), 2016-2020.

**Doyle's Guide** to leading junior counsel in commercial litigation and dispute resolution (2015 - 2020); insolvency and restructuring (2018 - 2020), 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 Robison.** 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).

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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.

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## 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).

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## 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).

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## 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>Kearney v Amirbeaggi &amp; Anor</i>	[2020] NSWSC 1035	Abuse of process
<i>Capic v Ford Motor Company of Australia</i>	[2019] FCA 1065	Costs forthwith
<i>James and National Disability Insurance Agency</i>	[2019] AATA 136	Access to NDIS

<i>New Hope Corporation Ltd v Northern Energy Corporation Ltd (administrators appointed) (No 2)</i>	[2019] NSWSC 952	Costs and form of declaratory relief – Leading G W Keesing
<i>NNXF and National Disability Insurance Scheme</i>	[2019] AATA 5552	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 – Leading J Entwistle
<i>Aurora Funds Management v Bond Street Custodians &amp; 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 &amp; 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 &amp; 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
RECENT CASES <i>Led by Senior Counsel</i>	<i>Capic v Ford Motor Company of Australia</i>	2020, Perram J (decision reserved)	Final hearing – defective goods; class action
	<i>Wiggins Island Coal Export Terminal v New Hope</i>	[2020] HCATrans 86	Contract – <i>Led by NC Hutley SC</i>
	<i>Kossaiji v Amribeaggi</i>	[2020] NSWSC 853	Professional negligence – <i>Led by I Pike SC</i>
	<i>NDIA v WRMF</i>	[2020] FCAFC 79	Appeal – NDIS Act – judicial review – <i>Led by TM Howe QC</i>
	<i>ACCC v HealthEngine Pty Ltd</i>	[2020] FCA 1203	Penalty hearing – <i>Led by NJ Owens SC</i>
	<i>Capic v Ford Motor Company of Australia</i>	[2020] FCA 982; [2020] FCA 885; [2020] FCA 884; [2020] FCA 1117	Various interlocutory matters – suppression; adjournment; common questions; late evidence – <i>Led by I Pike SC</i>
	<i>Palmer Leisure Coolum Pty Limited v Magistrates Court of Queensland</i>	[2020] HCASL 157; [2020] HCASL 156	Abuse of process / procedural fairness – <i>Led by T Begbie</i>
	<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 Kelaher &amp; 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>Wiggins Island Coal Export Terminal Pty Ltd v New Hope Corporation Ltd</i>	[2019] NSWCA 316	Contract – <i>Led by NC Hutley SC</i>
<i>New Hope &amp; Ors v Northern Energy Corporation Limited (administrators appointed) &amp; Ors</i>	[2019] NSWSC 879	Contract construction – <i>Led by NC Hutley SC (for this part of case); 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>	[2018] NSWCA 193	Interlocutory – strike out – <i>Led by C H Withers</i>
<i>Built Development (Manly) Pty Ltd v Northern Beaches Council</i>	[2018] NSWSC 750	
<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>

*ACCC v Prysmian Cavi E  
Sistemi S.R.L.* [2017] FCA 851

Penalty hearing – *Led by  
CA Moore SC*

*Royal commissions*

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