

Clare Langford

UNIVERSITY CHAMBERS

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PROFESSIONAL EXPERIENCE

Crown Solicitor's Office, Sydney, 2016 - 2021

Solicitor and Senior Solicitor, Constitutional and Administrative Law

University of Technology, Sydney, 2019

Casual Academic teaching Foundations of Law

Jones Day, Sydney, 2014 - 2016

Associate, Global Disputes

Australian Law Journal, 2014 - 2017

Assistant General Editor and *Personalia* Editor

Supreme Court of NSW, 2013

Researcher to Equity Division under Bergin CJ in Eq

Acting tipstaff to Justice Darke and Acting Justice Young

PUBLICATIONS

- Chapter 5, "Security Interests in Personal Property covered by the PPSA", in Tyler, Young and Croft, *Fisher & Lightwood's Law of Mortgages* (2013)
- "The prerogative writs and the origins of English administrative law" (2014) 88 ALJ 567
- "Payment into joint account as security for stay does not create PPSA security interest" (2015) 89 ALJ 380 (case note)
- "Police duties revisited" (2015) 89 ALJ 558 (case note)
- "High Court rules late payment fees not penalties in bank fees class action" (2016) 27 JBFLP 165 (with M Legg)
- "The Constitution and Government of Australia, 1788 to 1919" (2020) 31(3) PLR 324 (book review)

ADMISSIONS AND EDUCATION

Barrister 2021

Solicitor 2014

Master of Public & International Law

University of Melbourne, 2022

Bachelor of Laws (Hons I) & Bachelor of International Studies

University of Sydney, 2013

- Walter Reid Memorial Prize
- NSW Justices Association Prize in Administrative Law
- Pitt Cobbett Prize in Administrative Law

SELECTED MATTERS AS A BARRISTER

- *MetLife Insurance Limited v Australian Financial Complaints Authority (No 3)* [2022] FCA 849 (costs - public law - whether *Hardiman* principle applies to Australian Financial Complaints Authority) (led by S Robertson)
- *Hobhouse v Macarthur-Onslow* [2022] NSWCA 158 (appeal - contract and equity - implied terms and relief against forfeiture) (led by B Coles KC and M Keene)
- *Krolczyk v Winner t/as J Winner Building Services* [2022] NSWCA 196 (appeal - building and construction - warranties implied under the *Home Building Act 1989* (NSW)) (led by D P O'Connor)
- *Clough v Breen* [2022] NSWSC 1026 (easements - right of way and duty to repair and maintain inclinator - interlocutory orders made pending resolution of substantive dispute) (led by D P O'Connor)
- *Di Gregorio v Lumi Financial Pty Ltd* [2022] FCA 94 (bankruptcy - whether Court has jurisdiction to extend time for application to set aside bankruptcy notice) (unled)

SELECTED MATTERS AS A SOLICITOR

As advocate

- *Redfern Legal Centre v Commissioner of Police* [2021] NSWCATAD 288 (administrative review of decision under *Government Information (Public Access) Act 2009* (NSW) ("*GIPAA*"); whether request for statistical information compiled by computer program a request for access to "government information") (acted for respondent in preparation of submissions and evidence)
- *Bradford v Commissioner of Police* [2021] NSWCATAD 262 (administrative review of decision under *GIPAA*); refusal of access to "excluded information" of NSW Crime Commission) (appeared for respondent)
- *Application by Kylie McKelvie* (Industrial Relations Commission 2021; proceedings withdrawn) (urgent application for inquiry under s 252 of the *Industrial Relations Act 1996* (NSW) in relation to Public Service Association election) (appeared for NSW Electoral Commission)
- *Kirkby & Gibbs v Department of Premier and Cabinet* [2020] NSWCATAD 39 (administrative review of decision to grant access to information under *GIPAA* - application by third party objector) (appeared for respondent)
- *Jilalo v Commissioner of Police (NSW)* (Federal Court 2019; proceedings withdrawn) (urgent application for judicial review of decision to refuse travel permission under s 271A of the *Criminal Code* (Cth) (appeared for respondent)
- *DND v Commissioner of Police, NSW Police Force* [2019] NSWCATAD 220 (application for relief from reporting obligations under the *Child Protection (Offenders Registration) Act 2000* (NSW)) (appeared for respondent)
- *Scenic NSW Pty Ltd v Office of Environment & Heritage* [2019] NSWCATAD 7, *Office of Environment and Heritage v Scenic NSW Pty Ltd* [2019] NSWCATAP 87 and *Office of Environment and Heritage v Scenic NSW Pty Ltd* [2019] NSWCATAP 176 (administrative review of decision under *GIPAA* - nature of "reviewable decision" - joinder application by third party objector) (appeared for the Office of Environment & Heritage)
- *Golden International Trading Pty Ltd v Independent Pricing and Regulatory Tribunal* [2018] NSWCATAD 189 (administrative review of decision to cancel Energy Savings Scheme accreditation under *Electricity Supply Act 1995* (NSW)) (appeared for respondent)
- *DHU v Commissioner of Police* [2018] NSWCATAD 126 (dismissal of administrative review proceedings under

Privacy and Personal Information Protection Act 1998 (NSW) for want of jurisdiction) (appeared for respondent)

Instructing counsel

Court proceedings

- ***Vella v Commissioner of Police (NSW) & Anor* [2019] HCA 38; (2019) 93 ALJR 1236** (challenge to validity of the *Crimes (Serious Crime Prevention Orders) Act 2016* (NSW) - Ch. III of the *Constitution*) (acted for respondents) (counsel: NSW Solicitor General, M Sexton SC, with S Robertson)
- ***Wang v Botany View Hotel (No 4)* [2019] NSWSC 1323** (application for variation of vexatious litigant order) (acted for NSW Attorney General, intervening) (counsel: D Birch)
- ***R v Beck; R v Abbott*** (Local Court, Waverley 2019) (challenge to validity of legislation enabling *Centennial Park and Moore Park Trust Regulation 2014* (NSW) - criminal proceedings following “helmet optional” bike protest - implied freedom of political communication) (acted for NSW Attorney General, intervening) (counsel: H El-Hage)
- ***KE v Commissioner of Police (NSW) & Anor* [2018] NSWSC 941; (2018) 273 A Crim R 227** (judicial review - *Child Protection (Offenders Registration) Act 2000* (NSW)) (acted for respondent) (counsel: H El-Hage)
- ***Lazarus v Independent Commission Against Corruption* [2017] NSWCA 37; (2017) 94 NSWLR 36** (declaratory relief - whether *Independent Commission Against Corruption Amendment (Validation) Act 2015* (NSW) valid in application to plaintiffs’ criminal proceedings - Ch III of the *Constitution*) (acted for ICAC) (counsel: S Free)
- ***R v Smiles; R v Hughes; R v Luke*** (Local Court, Mudgee 2017) (challenge to validity of s 201 of the *Crimes Act 1900* (NSW) - criminal proceedings following protest at Wilpinjong Coal Mine - implied freedom of political communication) (acted for NSW Attorney General, intervening) (counsel: C Lenehan)
- ***Applied Medical Australia Pty Ltd v Minister for Health* [2016] FCA 35; (2016) 246 FCR 555** (judicial review - Protheses List - *Private Health Insurance Act 2007* (Cth)) (acted for applicant) (counsel: A Bell SC, R Higgins)

Tribunal proceedings

- ***Bellamy v Transport for NSW* [2019] NSWCATAD 54** (administrative review of decision under *GIPAA* - Cabinet information) (acted for respondent) (counsel: D Birch)
- ***DHU v Commissioner of Police (NSW)* [2018] NSWCATAP 282** (appeal from [2018] NSWCATAD 126) (acted for respondent) (counsel: J Edwards)
- ***Commissioner of Police (NSW) v Monastirski* [2017] NSWCATAP 225** (administrative review of long term banning order under *Liquor Act 2007* (NSW)) (acted for appellant) (counsel: H El-Hage)