

Lachlan Robison

Barrister

STATE CHAMBERS

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Curriculum Vitae

Summary

- I have a diverse practice in common law litigation (for both claimants and insurers), commercial and equity litigation, administrative law matters. I also hold criminal and family law briefs.
- Examples of briefs include briefs to advise/appear on:
 - o Multi-party, multi-state negligence claim;
 - o Specific performance of international contract;
 - o Federal Court appeal regarding character test under *Migration Act 1958* (Cth);
 - o Life estate dispute between former de facto partners;
 - o Criminal appeal involving inconsistent and conflicting verdict;
- In 2022 I was named in Doyle's Guide as recommend junior counsel in the Leading Insurance & Personal Injury Law Junior Counsel – New South Wales category.

Qualifications

- Barrister-at Law, New South Wales Bar, 2010.
- Master of Laws, Australian National University, 2009.
- Solicitor & Barrister, High Court of Australia, 2008.
- Lawyer, Supreme Court of New South Wales, 2007.
- Diploma in Law, Legal Professional Admission Board/University of Sydney, 2007.

Professional history

- Barrister, 2010 to present (currently at State Chambers).

- Solicitor, Denniston & Day Lawyers, 2008-2009.
- Graduate Lawyer (practical legal training), Consumer Credit Legal Centre, 2007.
- Law Clerk, Beilby Poulden Costello Lawyers, 2003-2004.
- Law Clerk, Employment Lawyers, 2002-2003.

Selected cases

- *Ritson v State of New South Wales (No. 1)* [2022] NSWDC 345; effect of damages on statutory rights.
- *Thorn v Monteleone; Thorn v Kelly* [2021] NSWCA 319; ability of uninsured employer to seek statutory indemnity for injury to workers despite involvement of nominal insurer.
- *AVS Security Pty Limited v Workers Compensation Nominal Insurer* [2021] NSWPICPD 42; nature of corporate structures; identification of correct employer.
- *Palasty v Lendlease Building Pty Limited* [2021] NSWCA, for respondent; limited nature of appeal from Presidential Member of Personal Injury Commission to Court of Appeal. Proceedings discontinued day following hearing.
- *Zheng v Ianni & Ors (No 4)* [2021] NSWDC 559; fixed sum costs orders.
- *Zheng v Ianni & Ors (No.3)* [2021] NSWDC 521; interplay between contract and tort.
- *Zheng v Ianni & Ors (No.2)* [2021] NSWDC 511; defendant not permitted to amend pleadings during final submissions.
- *Zheng v Ianni & Ors* [2021] NSWDC 492; defendant not permitted to rely on expert evidence served by other defendants but not “back served” but that defendant.
- *Palasty v Lendlease Building Pty Limited* [2021] NSWPICPD 19; parties limited upon appeal to case run below. Expert evidence cannot trump factual findings even where expert evidence on both sides forms a “consensus”.
- *Benten v William Campbell Foundation* [2021] NSWPIC matter 6996/20; income derived from self-employment compensable if workplace injury in employment-proper.
- *Kelly v Thorn; Monteleone v Thorn (No 8)* [2021] NSWSC 118; standing of uninsured employers to sue for statutory indemnity against third party tortfeasors.
- *Kelly v Thorn; Monteleone v Thorn (No 7)* [2021] NSWSC 117; res gestae evidence.
- *Sikoski v Dolci Doro Pty Ltd* [2020] NSWCCPD 60; whether cross-examination required.
- *Booth v Fourmeninapub Pty Ltd* [2020] NSWCA 57; competence of appeal.

- *R v Alameddine* [2019] NSWDC 265; exclusion of evidence in criminal proceedings due to refusal of Police to give proper access to legal representation; right to retain solicitor of choice.
- *Khanji and Secretary, Department of Social Services (Social services second review)* [2019] AATA 4258; administrative law; calculation of income etc.
- *Karabolovska v Comcare* [2019] FCA 2153: administrative law; standard of reasons required by tribunal.
- *Fourmeninapub Pty Ltd v Booth* [2019] NSWCCPD 25: workers compensation appeal; definitional provisions on injury.
- *Elsworthy v Forgacs Engineering Pty Ltd* [2018] NSWSC 1638: administrative law; correct identity of decision maker defendants.
- *State of New South Wales v Ali* [2018] NSWSC 1783: administrative law; whether evidence allowable on appeal below.
- *Guzman v Trade West Pty Ltd* [2017] NSWCCPD 44: administrative law/workers compensation; jurisdictional limitations on arbitral power.
- *Ceric v Prosegur Australia Pty Limited* [2016] FCA 1068: breach of “no evidence” rule by tribunal.
- *Cartwright v Bluescope Steel Limited & Anor*, High Court of Australia, resisted Special Leave application, [2015] HCATrans 268.
- *Lal v Australian Administrative Services Pty Limited*, unrep, 11 August 2015, NSWDC: first known NSW case to determine definition of bullying in context of common law claim for psychiatric injury against employer.
- *Rook v State of New South Wales (No 3)* [2015] NSWDC 154: police tort claim.
- *Lembo v Pacific Brands Holdings Pty Ltd* [2015] NSWDC 35: no vicarious liability of employer for acts of unidentified alleged employees.
- *LCNB v Minister for Immigration and Border Protection* [2015] AATA 463: convicted person entitled to refugee visa on discretionary grounds notwithstanding deemed lack of good character.
- *Craig v Woolworths Limited*, unrep, 17 October 2014, NSWDC: public liability claim.
- *Travis v Caltex Australia Petroleum Pty Limited*, unrep, 2 December 2013, NSWDC: third party motion seeking fruits of the litigation be paid into court and ancillary injunctions.

- *Spanos v Thornberry* [2013] NSWDC 193. Discretionary nature of costs where prima facie threshold not satisfied.
- *Tissane v State Debt Recovery Office*, unrep, 25 February 2013, NSWLC: established Local Court jurisdiction to annul enforced fines notwithstanding that appellant deemed guilty pursuant to statute.
- *SQZFV v Minister for Immigration and Citizenship & Anor*, unrep, 19 December 2011, FedCt: lack of procedural fairness at trial due to errors by interpreter. Appeal conceded by Minister after receipt of appellant's submissions.
- *Nicol v Whiteoak* [2011] NSWSC 168: extent of coverage of insurance contract beyond parties to same.
- *Circuit Finance Australia Pty Limited v Sobbi & Anor* [2010] NSWSC 789 and 912: contempt summons in Equity Division, NSW Supreme Court.
- *Walker v Howard* [2009] NSWCA 408: five member bench of NSW Court of Appeal determining correct approach to limitation issues in motor accident claims (as instructing solicitor).
- *Minister for Fair Trading v Gilgai Pty Limited*, unrep, September 2009, NSWLC: Regulatory prosecution for breaches of electricity legislation. See ministerial press release dated 8 September 2009.

Publications/papers etc

- *Arbitrary Exercise of a Discretion Kicked out of the Park*, (2020) 10 WR 122.
- *Elseworthy v Fogacs* – BenchTV CPD/CLE, 2019.
- *Section 151Z, Workers Compensation Act 1987* – BenchTV CPD/CLE. 2019.
- *Winning! The continued role of the advocate in a less adversarial approach to expert evidence*. State Chambers CPD 2018. Also delivered at New Zealand Legal Conference in the same year.
- *Welcome to the Age of Keyboard Warriors* (2019) 9 WR 139
- *“Bullying” in common law litigation*, (2015) 6 WR 105.
- *Telling Porkies*, An update on misleading and deceptive conduct and other commercial skulduggery, CLE Far North Coast Law Society, 2014. Also delivered to North and North West Law Society, 2014.
- *Getting Costs in Small Cases*, article for NSW Law Society Journal, 2013.
- *Ethics Hypothetical*, CLE for Schofield King Lawyers, 2013.

- *Clause 176*, CLE for Schofield King Lawyers, 2013.
- *Federal Discrimination Law*, CLE for Schofield King Lawyers, 2013.
- *When Negligence is Not Enough*, article for NSW Law Society Journal, 2012.
- *The Exciting World of Occupational Health and Safety Law...and other excursions into cl.176 compliance*, CLE for Wollongong Law Society, 2011.
- *Federal Discrimination Law*, CLE for Wollongong Law Society, 2011.
- *Sexual Harassment*, in-house CPD, Jack Shand Chambers, 2011.
- *Recent Developments in Trade Practices (the more things change the more they stay the same)*, article, published by the journals of the Law Society of Western Australia and the Law Society of Tasmania, 2011.
- *Work Injury Damages*, CLE for Schreuder Partners Lawyers, 2010.
- *Federal Discrimination Law*, CLE for Schreuder Partners Lawyers, 2010.
- *Workers Compensation 101*, CLE for Far South Coast & Monaro Law Society, 2010.
- *Sentencing*, CLE for Far South Coast & Monaro Law Society, 2010.

Pro bono etc

- Judge, University of Sydney Law Society advocacy competitions, 2021 – present.
- Judge, University of Technology Law Society advocacy competitions, 2013 – present.
- Judge, Macquarie University Law Society advocacy competitions, 2011 – present.
- Judge, University of New South Wales Law Society advocacy competitions, 2010 – present.
- Duty barrister, Downing Centre, Sydney, 2010 – present.
- Legal Aid Children’s Court duty solicitor, 2008 – 2009.
- Legal Aid Local Court duty solicitor, 2008 – 2009.
- I maintain a human rights practice and have received public interest briefs from legal centres in human rights matters, domestic violence, etc.
- In addition to accepting Legal Aid briefs, I have also appeared in a number of pro bono cases, including those referred to me by various courts pursuant to orders for pro bono assistance.