

ROSHAN CHAILE

BARRISTER
LIST A BARRISTERS
OWEN DIXON CHAMBERS WEST

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PROFESSIONAL EXPERIENCE

- 2016 – Ongoing **Barrister**
Victorian Bar
Practising primarily in commercial law, public law and regulatory law as a member of List A Barristers.
- 2014 – 2015 **Associate to the Hon Justice Stephen Gageler AC**
High Court of Australia
- 2014 – 2014 **Associate to the Hon Justice Michelle Gordon AC**
Federal Court of Australia
- 2012 – 2014 **Associate to the Hon Justice Christopher Jessup**
Federal Court of Australia
- 2011 – 2012 **Lawyer, Construction and Major Projects**
Corrs Chambers Westgarth
- 2008 – 2011 **Lawyer, Project Finance and Taxation**
Clayton Utz

EDUCATION

- 2011 – 2012 **Bachelor of Civil Law (Distinction)**
University of Oxford
Restitution of Unjust Enrichment, Conflict of Laws, Criminal Justice and Human Rights.
Dissertation in comparative constitutional law under the supervision of Professor Paul Craig.
- 2008 – 2011 **Bachelor of International Relations/LLB (Hons)**
La Trobe University
Ranked 5/200+ in LLB (top 2-3%)
Prizes: *Dean's Commendation 2008, Prize in European Community Law 2007, European Union Award for Academic Excellence 2007*

OTHER RELEVANT POSITIONS

- 2016 - Ongoing **Reporter**

Commonwealth Law Reports

- 2014 – 2014 **Tutor in Law**
Melbourne Law School
- 2011 – 2012 **Graduate Researcher (in the fields of European Union Law, class actions and the law of contracts)**
University of Oxford

PUBLICATIONS

Economic Relations between Australia and the European Union (2015) 42(4) *Legal Issues of Economic Integration* 411.

Kable and the Proportionality Doctrine (2012) 1 *Global Journal of Comparative Law* 163.

European Union Excise Duties and Section 90 of the Australian Constitution (2010) 16(5) *European Law Journal* 658.

For a Narrow Interpretation of Section 90 of the Australian Constitution: The Excise Duty System as a Guarantee of Free Trade in an Internal Market (2010) 29(2) *University of Queensland Law Journal* 319.

Chapter III courts and the principle of institutional integrity: a critique of Kirby J in *Fardon v Attorney-General of Queensland* (2011) 13(2) *Constitutional Law & Policy Review* 33.

Case Note: *Pumpa v Goulburn-Murray Rural Water Corporation* (2010) 172 *LGERA* 412 (2010) 16(3) *Local Government Law Journal* 13.

ADMISSIONS

Signed Bar Roll on 26 October 2016.

Admitted to practise as a solicitor on 15 December 2009.

RECENT MATTERS

Commissions and Inquiries

<i>Board of Inquiry into the Hotel Quarantine Program</i>	Counsel for Department of Jobs, Precincts and Regions	Led by Julie Condon QC, Rebecca Preston and Tim Jeffrie (instructed by Corrs Chambers Westgarth)
<i>Royal Commission into Misconduct into the Banking, Financial Services and Superannuation Industry</i>	Counsel for ASIC	Led by Peter Collinson QC, Lisa Nichols QC, Caryn van Proctor and Chris Tran (instructed by Corrs Chambers Westgarth and Johnson Winter Slattery)

<i>Royal Commission into Victoria's Mental Health System</i>	Providing assistance to Counsel Assisting	Led by Lisa Nichols QC, Senior Counsel assisting the Commission (instructed by Herbert Smith Freehills)
<i>Royal Commission into the Management of Police Informants</i>	Providing assistance to Counsel Assisting on issues concerning suppression	Led by Chris Winneke QC, Senior Counsel assisting the Commission (instructed by Holding Redlich)
<i>Inquiry and Advisory Committee into North-East Link Project</i>	Counsel for Department of Transport	Led by Paul Connor QC (instructed by Norton Rose Fulbright)
<i>Inquiry and Advisory Committee into West Gate Tunnel Project</i>	Counsel for Vicroads	Led by Paul Connor QC (instructed by Norton Rose Fulbright)

High Court

<i>Shire of Kellerberin v Nyoni</i> [2018] HCATrans 27	Misfeasance in public office	Led by Dan Star QC for the respondent (instructed by Corrs Chambers Westgarth)
<i>HFM045 v The Republic of Nauru</i> (2017) 350 ALR 34	Procedural fairness	Led by Peter Hanks QC for the appellant (instructed by Holding Redlich)

Federal Court (including Full Federal Court)

Full Court		
<i>Melbourne City Council v Telstra Corporation Limited</i>	Proper construction of Telecommunications Act	Led by Stuart Morris QC for the applicant (instructed by King Wood Mallesons)
<i>DKT16 v Minister for Immigration and Border Protection</i> [2019] FCAFC 208	Judicial review – complementary protection	Unled for the first respondent (instructed by Sparke Helmore)
<i>Kaur v Minister for Immigration and Border Protection</i> [2019] FCAFC 53	Judicial review — fraud in a public law context	Unled for the appellants
Federal Court		
<i>Telstra Corporation Limited v Melbourne City Council</i> [2020] FCA 285	Proper construction of Telecommunications Act	Led by Stuart Morris QC for the applicant (instructed by King Wood Mallesons)

<i>TPT Patrol Pty Ltd v Myer Holdings Limited</i> [2019] FCA 1747	Shareholder class action	Led by Ian Waller QC and Paul Liondas for the respondent (instructed by Clayton Utz)
<i>Australian Workers' Union v Registered Organisations Commissioner</i> (2019) 369 ALR 214	Legal professional privilege	Led by Dr Sue McNicol for the subpoenaed party (instructed by Clayton Utz)
<i>COP15 v Minister for Immigration and Border Protection</i> [2019] FCA 282	Judicial review – refugee protection	Unled for first respondent (instructed by Sparke Helmore)
<i>Australian Securities and Investments Commission v Austal Limited</i>	Legal professional privilege – search warrant	Led by Dr Sue McNicol for ASIC (instructed by Minter Ellison)
<i>Virtus Health Limited v Number One Fertility Pty Ltd</i>	Defamation	Led by Tomo Boston QC for the applicant (instructed by HWL Ebsworth)

Supreme Court of Victoria (including Court of Appeal)

Court of Appeal		
<i>Mason v Transport for Victoria</i> (ongoing)	Land acquisition — correctness of <i>Halwood v Roads Corporation</i>	Led by Lisa Hannon for Transport for Victoria (instructed by Victorian Government Solicitor's Office)
<i>Melbourne Water Corporation v Caligiuri</i> [2020] VSCA 16	Procedural fairness — land acquisition	Led by J Delany QC for the Attorney-General (instructed by Victorian Government Solicitor's Office)
<i>TPSC Pty Ltd v Kingston City Council</i> [2019] VSCA 204	Proper construction of agreement under s 173 of Planning and Environment Act	Led by P Zappia QC for the appellant (instructed by PPP)
Supreme Court		
<i>LPG Laverton Property No 5 Pty Ltd v Australian Vinyls Corporation Pty Ltd</i> [2020] VSC 689	Operation of s 62A(1B) of the Environment Protection Act	Led by Adrian Finanzio SC for the respondent (instructed by Allens)
<i>Omar Property Pty Ltd v Amcor Flexibles (Port Melbourne) Pty Ltd (No 4)</i> [2020] VSC 216 (including interlocutory proceedings [2020] VSC 17, [2019] VSC 446, [2019] VSC 627)	Exercise of option to renew lease	Led by Michael Borsky QC for the plaintiffs (instructed by Maddocks)

<i>Kinchington Estate Pty Ltd v Wodonga City Council</i> [2019] VSC 745	Procedural fairness – status of Council under Administrative Law Act	Unled for the plaintiff (instructed by Best Hooper)
<i>Roo Roofing Pty Ltd v The Commonwealth</i> [2019] VSC 331, including interlocutory proceedings [2017] VSC 694, [2018] VSC 219, [2018] VSC 232, [2018] VSC 330, [2018] VSC 338	Pink Batts Class Action	Led by Jim Delany QC, Dr Catherine Button and Caryn van Proctor for the plaintiffs (instructed by ACA Lawyers)
<i>Caligiuri v Attorney-General (No 2)</i> [2019] VSC 365	Procedural fairness — land acquisition	Led by Liam Brown, Crown Counsel for Victoria for the Attorney-General (instructed by Victorian Government Solicitor’s Office)
<i>Andrews & Morrisy Developments Pty Ltd v City of Port Phillip</i> [2019] VSC 337	Judicial review	Led by Stuart Morris QC for appellant (instructed by Russell Kennedy)
<i>Hudson Yards Pty Ltd v Minister for Planning</i> [2018] VSC 277	Minister’s call in powers	Led by David Batt QC for the Minister (instructed by Maddocks)
<i>Datta Yoga Centre Australia Pty Ltd v Wyndham City Council</i> [2018] VSC 353	Judicial review	Led by Penny Neskovic QC for the appellants (instructed by Norton Rose Fulbright)
<i>Alex Fraser Pty Ltd v Minister for Planning</i> [2018] VSC 391, [2018] VSC 152	Preliminary discovery	Led by Stuart Morris QC for the plaintiff (instructed by Norton Rose Fulbright)
<i>Moreland City Council v Glenroy RSL sub-branch</i> [2018] VSC 126	Judicial review	Led by Adrian Finanzio SC for the appellant (instructed by Harwood Andrews)
<i>De Simone v Legal Services Board</i> [2017] VSC 471	Claim on Fidelity Fund	Led by Albert Monichino QC for the plaintiffs
<i>Colonial Range Pty Ltd v Akritidis</i> [2017] VSC 337	Preliminary discovery	Led by Jason Pizer QC for the plaintiff (instructed by SBA Law)
<i>RSSB Australia Pty Ltd v Ross</i> [2017] VSC 314	Judicial review	Led by Stuart Morris QC for appellant (instructed by Thomson Geer)
<i>RW Health Partnership Pty Ltd v Lendlease Building Contractors Pty Ltd</i>	Defective building works in respect of Royal Women’s Hospital	Led by Andrew Woods for Fourth Third Party (instructed by Clyde & Co)
<i>Colonial Tramcar Pty Ltd v Yarra Trams (ongoing)</i>	Contract — Specific performance	Led by Jim Delany QC for the plaintiff (instructed by Gadens)

<i>W Everton Park Pty Ltd v Minister for Planning (ongoing)</i>	Declaratory relief proceedings — validity of planning scheme amendment	Led by Stuart Morris QC (instructed by Rigby Cooke)
<i>Altona Properties Pty Ltd v Environment Protection Authority (ongoing)</i>	Judicial review — clean up notice	Led by Stuart Morris QC for the plaintiff (instructed by Ashurst and Norton Rose Fulbright)
<i>Garda Capital Ltd v Cockram Construction Ltd (ongoing)</i>	Defective building works	Led by Penny Neskovic QC for the plaintiff (instructed by Maddocks)
<i>LPG Laverton Property No 5 Pty Ltd v Wyndham CC (ongoing)</i>	Judicial review	Led by Adrian Finanzio SC for the respondent (instructed by Allens)
<i>377 Hawthorn Road Pty Ltd v Glen Eira CC (ongoing)</i>	Judicial review	Led by N Tweedie SC for the appellant (instructed by Minter Ellison)
<i>Kamasae v The Commonwealth (Manus Island Class Action) (resolved)</i>	Intentional tort class action	Led by Jim Delany QC, Lisa Nichols and Maree Norton for Broadspectrum (instructed by Corrs Chambers Westgarth)

Arbitrations and expert determinations

<i>Australian Dairy Farmers Corporation v Regal Creams Pty Ltd (ongoing)</i>	Dairy fee payments expert determination	Led by David Batt QC for Regal Creams (instructed by Minter Ellison)
<i>West Gate Tunnel</i>	Expert determination – Arbitration	Led by Neil Young QC, Nick Pane QC, Adrian Finanzio SC in relation to various streams of work concerning the West Gate Tunnel for the D&C subcontractor (John Holland and CPB) (instructed by Corrs Chambers Westgarth)
<i>Gas Pipeline Dispute (ongoing)</i>	Arbitration	Led by Jim Delany QC, Nick Pane QC, Andrew Hanak QC, Caryn van Proctor and Roman Rozenberg for Basslink (instructed by DLA Piper)
<i>Gas Export Facility Dispute</i>	Arbitration	Led by Jeff Gleeson QC and Katie Stynes (instructed by Corrs Chambers Westgarth)

Selected advices

<i>Advice and template pleadings for Cladding Safety Victoria in relation to cladding rectification scheme</i>	Led by Nick Pane QC and Will Thomas (instructed by Corrs Chambers Westgarth)
<i>Advice on the scope of Victoria's power to refer matters to the Commonwealth under s</i>	Led by Kristen Walker, Solicitor-General for Victoria

<i>51(xxxvii) of the Commonwealth Constitution</i>	
<i>Advice on the consistency of proposed legislative amendments with the Constitution Act 1975 (Vic) (including the applicability of “manner and form” requirements)</i>	Led by Richard Niall, (then) Solicitor-General for Victoria