

Clare Thompson

curriculum vitae

Contact details

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Education

2004 LLM, University of Melbourne
1993 LLB (First Class Honours), University of Tasmania
1989 Post Grad Dip Mgt, Curtin University, Perth
1984 B. Business, SAIT (now University of South Australia), Adelaide
1980 Matriculation, The Wilderness School, Medindie, South Australia

Professional

March 2004 to date
Barrister
Francis Burt Chambers
PERTH

Elected as a member of the WA Bar Association in February 2004.

I accept briefs in a wide range of civil and commercial areas including corporate and company law, trade practices, taxation litigation, banking and consumer law and property and contract law.

Matters I have been briefed in include:

Ruby v Doric Constructions (Australia) Pty Ltd [2013] WASCA 94

Brookdale Investments Pty Ltd & Commissioner of Taxation [2013] AATA 186

Brookdale Investments Pty Ltd & Commissioner of Taxation [2013] AATA 154

Commissioner of Taxation v Regent Pacific Group Limited [2013] FCA 36

Commonwealth Bank v Duckworth [2012] WASC 476

A v B (No 2) [2012] WASC 383

Harvey Fields Pty Ltd v 33
WASC 218

Malcolm St Pty Ltd [2012]

Iyengar and Commissioner of Taxation [2011] AATA 856; (2011) ATC 10-222

Nigam v Harm [No 2] [2011] WASCA 221

Confidential and Commissioner of Taxation [2011] AATA 403

Witcombe v Talbot & Olivier [2011] WASCA 107; 280 ALR 177

The Taxpayers and Commissioner of Taxation [2011] AATA 33

Commissioner of Taxation v Resource Capital Fund III LP [2010] FCA 1247

Confidential and Commissioner of Taxation [2010] AATA 883

Witcombe v Talbot & Olivier [No 2] [2009] WASC 173

Navarac Pty Ltd v Moondancer Holdings Pty Ltd [2009] WASCA 95; (2009) 40 WAR 150

Huen v Official Receiver [2008] FCAFC 117; 67 ACSR 398

La Pegna v DCT [2006] FMCA 1643; 204 FLR 364

Talbot & Olivier v Witcombe [2006] WASCA 87; (2006) 32 WAR 179

Doyle v ASIC [2005] HCA 78; (2005) 227 CLR 18

Re Martin; Ex parte Dipane [2005] WASC 32; 30 WAR 164

Australian Healthcare Technology v Harfield [2005] WADC 175

Carmody v Priestly & Morris [2005] WASC 120; (2005) 30 WAR 318

January 1994 – March 2004

Freehills, Barristers & Solicitors (now Herbert Smith Freehills)
PERTH

Articled clerk 1994, admitted in WA 23 December 1994, High Court 1996

Appointed Associate December 1997

Appointed Senior Associate June 2000

I worked in property, commercial litigation and mergers & acquisitions

Pre-law employment

Between 1984 and 1991 I worked as an HR Manager with various organisations including the Health Department of WA (Perth & Kalgoorlie), BHP Iron Ore (Perth & Port Hedland) (now BHP Billiton) & Elida Gibbs (a division of Unilever PLC) (London).

1989-90 Lecturer / Tutor in management, ECU, Perth & Kalgoorlie

Publications & seminars

- 2013 *Recent Developments in Professional Negligence* – paper for Law Society of WA
- 2013 *Common Ethical Pitfalls for the Legal Profession* – paper for Legalwise seminars *Legal Skills & Ethics* and re-presented for Women Lawyers of WA
- 2012 *Personal Injuries Costs under the 2012 Scale* – paper for Law Society of WA
- 2012 *Preparing for trial* – paper for Legalwise seminars *Legal skills & ethics*
- 2012 *Indemnity Costs* – AGS in house seminar
- 2012 *Recent decisions on the definition and extent of charitable entity* – TIA, Not for Profit Conference
- 2011 Panellist, Law Society of WA – law week seminar on mental health and costs issues
- 2011 *Fixed costs – the end of the 6 minute unit?* – Australian Lawyers Alliance Annual Conference
- 2011 *Relevance and admissibility of evidence in tax matters* – AGS in house seminar
- 2011 Panellist, *Mental Health and Legal Costs* – Law Society of WA seminar
- 2010 Panellist, Taxation Institute of Australia (WA Division) Leadership Forum
- 2010 *Overview of the new Health Practitioner National Regulation* – Law Society of WA seminar
- 2010 *Update on the Costs Scales* – paper for WA Bar Association annual CPD conference
- 2010 *Criminal Costs Scales in WA* – paper for Law Society of WA seminar *Costs in Criminal Cases*
- 2010 *Causation in torts; what the High Court is saying* – paper for Legalwise seminars *Hot Topics in Litigation*
- 2009 *Avoiding claims for breach of good faith* – paper for Law Society of WA seminar *Good faith clauses in commercial contracts*
- 2008-2009 *CPD Requirements* – paper for Legal Practice Board on implementation of the WA CPD requirements, presented more than twenty times during 2008-2009
- 2008 *Evidentiary issues in the cross examination of expert and lay witnesses* – paper for Legalwise seminars *Conducting commercial litigation – the essential toolkit*

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| 2007 | <i>Practical ethics</i> – presentation for Women Lawyers of WA seminar series |
| 2006 | <i>Brushes with the courts</i> – presentation for Silver Chain remote area nurses conference |
| 2005 | <i>Pre-trial directions in the Supreme Court of WA</i> - presentation for Women Lawyers of WA seminar series |
| 2004 | <i>Vexatious litigants – old phenomenon. Modern methodology</i> – Journal of Judicial Administration Vol 14 No 2 |

Law Society Council positions

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|-------------|---|
| 2003 | Past President (ex officio member of Council) |
| 2002 | President (elected by all members of the Society) |
| 2001 | Senior Vice President |
| 1999 – 2000 | Treasurer (elected by Council) |
| 1997 – 2000 | elected & re-elected to Council |

Law Society Committees

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|-------------|--|
| 2003–2004 | Continuing Professional Development Committee |
| 1998–2007 | Education Committee |
| 2000–2007 | Ethics Committee |
| 2001 | Convenor – Ad hoc committee to review the professional conduct rules |
| 1999 – 2002 | Executive of the Law Society |
| 1997 – 2001 | Joint Law Society/Women Lawyers Committee (Convenor for a period) |
| 1997-1998 | Accreditation Committee (Convenor for a period) |
| 1997 | Winter Conference Organising Committee |
| 1996 - 1997 | Parliamentary and Constitutional Affairs Committee |

Between 1999 and 2003 I was a member of various other ad hoc committees to consider professional conduct rules, mandatory continuing legal education, the competition review of the legal profession, legislation and a variety of other issues.

| Law | Society | Representative |
|----------------|--|-----------------------|
| 2007 - present | Law Council of Australia (LCA), Legal Education Committee | |
| 2003 | Alternate delegate for WA, LCA Equalising Opportunities in the Law Committee | |
| 2002 - 2006 | LCA – National Model Laws Project, member of 2 working groups and the LCA overseeing committee | |
| 2002 – 2003 | LCA – Federal Costs Assessment working party | |
| 2002 - 2003 | LCA – Committee established to consider amendments to the LCA Constitution | |
| 2002 | LCA Councillor and delegate for WA | |
| 2001 – 2002 | Representative on Solicitor-General's Committee considering amendments to the Legal Practitioners Act 1893 (resulted in Legal Practice Act 2003) | |
| 2003 – 2004 | Legal Practice Board ad hoc advisory committee on mandatory continuing legal education | |
| 2002 | Edith Cowan University, Consultative Committee on establishment of a Law School | |

Various other ad hoc appointments including 2003 AIJA Conference in WA, reform of the lower courts, court dress, amendments to appointment process for silk.

Women Lawyers

Member, Women Lawyers of WA since 1994

Elected to Committee of WLWA each year from 1994 – 2001

Various positions including newsletter editor and functions co-ordinator, Secretary from 1995 - 1999

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| 1996 – 97 | WA representative on interim committee formed to establish Australian Women Lawyers (AWL) |
| 1997 – 2001 | Director, AWL |
| 1998 - 2000 | Company Secretary, AWL |
| 2000 - 2001 | Vice-President, AWL |

Legal appointments

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| 2002 – present | Member, Legal Costs Committee (statutory body which sets the scales of costs pursuant to the <i>Legal Profession Act</i>) |
| 2002 – 2012 | Patron, Women's Legal Centre, WA |
| 2007 – 2010 | Member, Psychologists Registration Board, WA |
| 2006 – 2009 | Member, Medical Radiation Technologists Registration Board, WA |
| 2006 – 2007 | Deputy Member, Psychologists Registration Board, WA |
| 2006 – 2007 | Senior Sessional Member, State Administrative Tribunal |
| 2006 – 2008 | Lecturer, Articles Training Programme |
| 2004 - 2009 | Elected member, Legal Practice Board – including member of: <ul style="list-style-type: none"> • Professional Affairs Committee • Legal Education Committee (Convenor) • Management Committee • Practical Legal Education Committee (ad hoc) • National Model Laws Committee (ad hoc) |
| 2004 | Member, Legal Practitioners' Disciplinary Tribunal |
| 2004 – 2010 | Member, Network Advisory Panel, Nurses Board of WA |
| 2003 – 2006 | Member, Human Research Ethics Committee, Sir Charles Gairdner Hospital, Perth |
| 2001 - 2003 | Member, Nurses Board of WA (including various sub-committees relating to professional conduct, corporate governance and legislative change) |
| 1996 – 1998 | Edith Cowan University, Legal Studies Consultative Committee |
| 1996 – 1998 | Edith Cowan University, Law Education Consultative Committee |

Volunteer activities

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| 2011 – present | Mentor, Women Lawyers of WA mentoring scheme |
| 2010 – present | Member, Taxation Institute of Australia, WA State Convention planning committee |
| 2008 - 2011 | Mentor, UWA WILMS mentoring scheme |
| 2004 - 2006 | Committee member, IWIRC – The Insolvency Professional's Network |

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| 2004 - 2005 | Coach – Law Society's secondary schools mock trial competition |
| 1997 – 1998 | Volunteer solicitor – Parkway Legal Centre |
| 1996 – 2000 | Member, Women's Legal Centre |
| 1996 – 1999 | Volunteer solicitor - Legal Aid advice bureau |
| 1994 – 1999 | Volunteer solicitor – Law Society Legal advice van |

Other

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|----------------|---|
| 2012 | Named as one of the inaugural 100 Women of Influence - by the <i>Financial Review</i> and <i>Westpac</i> |
| 2012 | Finalist – Lawyers Weekly, Women in the Law Awards |
| 2012 | Nominee - WA of the Year (Business & Professions) |
| 2012 | Lawyer of the Year, awarded by Law Society of WA |
| 2012 | Women Lawyer of the Year, awarded by Women Lawyers of WA |
| 2011 - present | Founder, Director and Trustee, Aboriginal Women's Legal Education Trust, which provides scholarships to attend law school to indigenous women |
| 2010 – present | Associate, Taxation Institute of Australia |
| 2006 - 2008 | Member, WA Policy Round Table |
| 2007 | Attendee, Cranlana Colloquia |
| 2006 | Attendee, Australian Future Development Forum |
| 2004 | Nominee - Distinguished Graduate Award, University of Tasmania Foundation |
| 1984 – 1985 | BAVE/CRAC Scholarship, Cambridge University, UK |
| 1982 - 1984 | Student Representative and later Student Vice-President, SAIT |
| 1981 | Rotary Exchange Student, Oaxaca, Mexico |