

## RICHARD LANCASTER SC

### Contact information

Fifth Floor, St James Hall  
5 / 169 Phillip Street  
Sydney NSW 2000  
DX 181 Sydney

02 8257 2557  
rlancaster@stjames.net.au

[www.richardlancaster.com.au](http://www.richardlancaster.com.au)

Clerk – Caroline Davoren    caroline.davoren@stjames.net.au  
PA – Jennifer Campbell    jennifer.campbell@stjames.net.au

### Areas of practice

As a barrister since 1997 and Senior Counsel since 2009, I have extensive experience as a trial and appellate advocate across a number of practice areas, including public law, commercial law, intellectual property, and environmental and planning law.

I have regularly appeared in reported cases in the NSW Court of Appeal and Supreme Court, the Federal Court of Australia, the Land and Environment Court of New South Wales and the High Court of Australia. I also provide written advice and advice in conference for commercial and government clients including regulators, local councils, property developers and intellectual property owners.

My website [www.richardlancaster.com.au](http://www.richardlancaster.com.au) includes a summary of my advocacy experience and identifies recent and significant matters in which I have appeared.

### Employment history

#### ***Barrister***

Senior Counsel (since September 2009)  
Practising full time as a barrister since February 1997

#### *Legal Research Officer*

Office of the Solicitor General and Crown Advocate (NSW)  
February 1994 — February 1997  
Research officer to the then Solicitor General (Mr Keith Mason QC) and Crown Advocate (Mr Rod Howie QC, then Ms Megan Latham). Particular experience in constitutional and administrative law, statutory interpretation, government contracts, environmental regulation and criminal appeals.

Admitted as an Australian lawyer in 1994

#### *Research assistant (Associate / Law clerk)*

Justice M D Kirby AC CMG [part 1993]  
President of the Court of Appeal, Supreme Court of NSW

#### *Tipstaff (Associate / Law clerk)*

Justice B Cohen, Equity Division, Supreme Court NSW [part 1993]  
Research in proceedings in the Equity Division (equity and commercial, probate and administration, charities and trusts).

#### *Litigation paralegal*

Baker & McKenzie, Sydney [parts of 1991, 1992]

## Education

LLB from University of Sydney in 1992  
BA from University of Sydney in 1990 (Prize for Modern European History for Honours year thesis)  
North Sydney Boys High School

## Personal

Born in Sydney, Australia on 8 June 1968  
Married with three school-age children

## Professional appointments

- Fellow of the Australian Academy of Law
- Editor of the *Australian Law Reports*  
(since August 2008, continuing). I select the cases that are reported in the ALR from the judgments delivered in the High Court, the Federal Court of Australia and the intermediate courts of appeal of the States and Territories.
- Delegate of the President of the Australian Human Rights Commission  
(from time to time since 2013, continuing). Responsible for the conduct of various inquiries into complaints made under the *Australian Human Rights Commission Act 1986* (Cth) by persons alleging an act or practice may be contrary to a human right.
- Past President of the Environment and Planning Law Association (NSW) Inc.  
(President from December 2015 – December 2018). EPLA has over 750 members, including individual and corporate members from legal, planning and other professions involved in environmental and planning law.
- Member of the NSW Bar Association Working Party on the Over-Representation of Indigenous People in the NSW Criminal Justice System (since 2017, continuing)
- Member of the Human Rights Committee of the New South Wales Bar Association  
(since 2006, continuing)
- Past member of the NSW Trustee and Guardian Advisory Council  
(2011 to 2016). The Advisory Council provided strategic planning and policy advice to the NSW Trustee and Guardian, a statutory office providing personal trustee and estate management services, and financial management for over 13,000 people who lack capacity in NSW.
- Past member of the Council of Law Reporting for New South Wales  
(2011 to 2015). The Council is the publisher of the New South Wales Law Reports, the authorised report series for decisions of the NSW Supreme Court and Court of Appeal.
- Member of the Administrative, Constitutional and Commercial Law sections of the NSW Bar Association
- Past member of the Council of NSW Bar Association  
(elected for 2006-2007 and 2008-2009)
- Past member of Professional Conduct Committee #3 of the NSW Bar Association

### Professional memberships

- Australian Academy of Law
- Australian Association of Constitutional Law
- Australian Institute of Administrative Law
- Copyright Society of Australia
- Environment and Planning Law Association (NSW) Inc
- Intellectual Property Society of Australia and New Zealand
- Business Law Section of the Law Council of Australia

### Pro bono assistance

From time to time I provide pro bono assistance to:

- Arts Law Centre of Australia
- Environmental Defenders' Office (NSW, NT and Qld)
- Federal Court of Australia pro bono scheme
- Public Interest Law Clearing House
- Various pro bono teams within private law firms

### Selected cases

Please refer to my website [www.richardlancaster.com.au](http://www.richardlancaster.com.au) for a selection of cases in which I have appeared, which can be searched by jurisdiction and/or subject matter.

### Selected recent publications and presentations

- “*Coastal Erosion Litigation and Planning*”, address to the 2018 Conference of the Environment & Planning Law Association, October 2018, North Head, Sydney
- Appeared as a witness on behalf of the NSW Bar Association before the Legislation Review Committee of the NSW Parliament in its “*Inquiry into the Operation of the Legislation Review Act 1987*”, May 2018. The committee report was published in November 2018
- “*IMM v The Queen: a response*”, [2016] (Winter) *Bar News* 40
- “*Coastal and Marine Life Protection*”, address to the 2016 Conference of the Environment & Planning Law Association, October 2016, Blue Mountains, NSW
- “*Addressing online infringement: balancing the rights and interests of Australian rights holders, ISPs and the consumer public*”, speaker at the Copyright Law and Practice Symposium, 23 October 2015
- “*Commonwealth protection of movable cultural heritage*”, presentation to the annual conference of the Environment and Planning Law Association, NSW, 16 October 2015
- R Lancaster and S Free, “The Relevancy Grounds in Environmental and Administrative Law”, in N Williams (Ed) *Key Issues in Judicial Review* (Federation Press, 2014)
- Chair of a NSW Bar Association seminar presented by the Hon M Kirby AC CMG, “*UN Commission of Inquiry on Human Rights in North Korea: How the UN met the Common Law*”, Sydney, 11 August 2014
- “*The contribution of the ADT to Administrative Justice in NSW*”, an address to the final ADT Members Conference 2013 (15 November 2013)

**Richard Lancaster SC**  
**December 2018**