

Hayden Fielder

EIGHT SELBORNE CHAMBERS

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Hayden was a Senior Associate at Clayton Utz in commercial litigation before joining the Bar. Hayden has experience in a range of commercial, corporate and insurance matters, including first instance and appellate court proceedings in the District and Supreme Courts of NSW, Court of Appeal and Federal Court of Australia. Hayden also has experience in regulatory and investigatory proceedings, including royal commission and public inquiry work.

Professional Experience

2016 - 2020	Clayton Utz (Lawyer; Senior Associate) - Commercial Litigation
2015 – 2016	HWL Ebsworth (Lawyer) - Insurance
2012 - 2014	Clayton Utz (Paralegal) - Commercial Litigation

Education and Admissions

2020	Barrister, New South Wales and High Court of Australia
2017	Solicitor, High Court of Australia
2016	Solicitor, Supreme Court of New South Wales
2014	Bachelor of Laws (First Class Honours), University of Technology Sydney
2014	Bachelor of Business (Distinction), University of Technology Sydney

Recent Publications

- H Fielder, 'Judicial Advice: a trustee's safeguard from breach of trust' (2018) 36 *Company and Securities Law Journal* 275
- L Buchanan and H Fielder, 'Because the Court said so: the benefits of judicial advice' (2018) Clayton Utz Insights
- H Fielder, 'Personal advice on insurance products – the duty to advise on disclosure obligations and legal risk' (2016) 28 *Insurance Law Journal* 195
- H Fielder, 'Unconscionable Conduct in Equity and under Statute: the Australian Consumer Law and the Lux Decision' (2015) 23 *Australian Journal of Competition and Consumer Law* 161
- A Miers and H Fielder, 'ASIC on cyber resilience: your business may require a health check' (2015) HWLE Market Insight Publications

Select Cases (Solicitor)

Commercial and Insurance

- ***Thiess Pty Ltd and John Holland Pty Ltd v Parsons Brinckerhoff Australia Pty Ltd & Ors [2016] NSWSC 173***

Breach of contract – negligence - building and construction – Construction Risks and Legal Liability insurance claims.

Acted for geotechnical engineer in proceedings concerning the design and construction of the Lane Cove Tunnel which collapsed in 2005.
- ***Edward Moses Obeid Snr & Ors v David Andrew Ipp, Geoffrey Watson SC & Ors [2016] NSWSC 1376***

Administrative law – tort – misfeasance in public office – procedural fairness – ICAC Act.

Acted for Geoffrey Watson SC (counsel assisting the inquiry) in proceedings brought by Mr Obeid Snr & Ors in relation to the inquiry carried out by ICAC over allegations of corruption concerning the public grant of a coal exploration licence.
- ***RBC Investor Services Australia Nominees Pty Limited v Brickworks Limited & Anor [2017] FCA 756***

Shareholder oppression - s232 Corporations Act 2001 (Cth).

Acted for RBC Investor Services in a claim concerning allegations of shareholder oppression over a cross-shareholding between the two defendant companies.
- ***Macquarie International Health Clinic Pty Ltd v Sydney Local Health District [2016] NSWSC 1587***

Damages Inquiry – trespass to land – mesne profits and user principle – termination of commercial lease.

Proceedings concerned agreements for the proposed development and construction of Prince Alfred Private Hospital and an adjoining car park in Camperdown, Sydney.
- ***Macquarie International Health Clinic Pty Ltd v Sydney Local Health District [2019] NSWSC 1199***

Contractual construction - environment and planning – building approval – duty of good faith – absolute and unfettered directions – implied obligation to co-operate – land law – Conveyancing Act 1919 (NSW).
- ***Goodman Fielder Consumer Foods Pty Ltd v GrainCorp Foods Australia Pty Ltd (NSWSC 2017/177732 - reserved)***

Proceedings include allegations of breach of a contract, breach of warranty, misleading or deceptive conduct and equitable estoppel.

Royal Commissions

- ***Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, 2018***
- ***Royal Commission into National Natural Disaster Arrangements, 2020***

Public inquiries

- ***Public Inquiry under the Charitable Fundraising Act into RSL (NSW) and RSL LifeCare Ltd before madam inquirer, the Honourable Patricia Bergin SC, 2017***

Acted for RSL LifeCare Ltd in a public inquiry concerning charitable fundraising, the use of funds derived through fundraising activities, exercise of fiduciaries in receiving consultancy fees and alleged breaches of the Charitable Fundraising Act.

Appeals

- ***Macquarie International Health Clinic Pty Ltd v Sydney Local Health District [2020] NSWCA 161***

Contractual construction - environment and planning – building approval – duty of good faith – absolute and unfettered directions – implied obligation to co-operate – land law – Conveyancing Act 1919 (NSW).

- ***Sydney Local Health District v Macquarie International Health Clinic Pty Ltd (NSWSC 2019/404200 - reserved)***

Assessment of mesne profits – trespass to land – user principle.