

## Hayden Fielder

### Barrister

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EIGHT SELBORNE CHAMBERS

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Mr Fielder is recognised in ‘*The Best Lawyers*’ publication in Australia for commercial law, corporate law, construction law and insurance law.

He appears in the Federal Court, Supreme Court and District Courts and has appeared led in the High Court of Australia. Mr Fielder’s practice includes commercial and corporations law, contract law, building and construction, property and insurance law. He has experience preparing trials and appeals in both small and large-scale litigation in most civil courts and tribunals.

Mr Fielder was a Senior Associate at Clayton Utz in commercial litigation before joining the Bar.

#### Practice Areas:

- Banking
- Building and construction
- Commercial
- Competition and consumer law
- Corporations Law
- Equity
- Inquiries and Commissions
- Insolvency
- Insurance
- Professional Negligence
- Property

#### Admissions

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NSW Bar: 2020

Solicitor: 2016

#### Academic

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Bachelor of Laws LLB (First Class Honours), University of Technology Sydney

Bachelor of Business (Distinction), University of Technology Sydney

#### Prior Professional Experience

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

## Select Publications

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- H Fielder, ‘Good faith vs absolute and unfettered discretion in commercial contracts’ (2021) 50(2) *Australian Bar Review* 324
- H Fielder, ‘Determination of damages for a deliberate contravention of s 52 of the TPA’ [2020] (Summer) *Bar News* 34
- H Fielder, ‘Judicial Advice: a trustee’s safeguard from breach of trust’ (2018) 36 *Company and Securities Law Journal* 275
- 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

## Select Cases

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- *Insurance Australia Limited t/as CGU Insurance v Capral Limited* [2025] FCAFC 46 – interpretation of insurance contracts (led by Justin Hewitt SC).
- *Vaughan Two Pty Ltd v Vaughan One Pty Ltd (No 2)* [2025] NSWSC 1393 – land law. Statutory trust for sale of property under *Conveyancing Act 1919* (NSW) (led by Stuart Lawrance SC).
- *Star Entertainment Group Ltd v Chubb Insurance Australia Ltd* [2020] FCA 907 and on appeal in [2022] FCAFC 16 and on appeal in the High Court of Australia (special leave application successfully opposed) – acted for major insurer in relation to an insurance claim by Star Casino for business interruption loss caused by COVID-19 (led by Bret Walker SC).
- *Heather v Taylor Building Industries Pty Ltd* [2023] NSWSC 968 – *Grosvenor* stays - stay of judgments obtained under *Building and Construction Security of Payment Act 1999* (NSW) (unled).
- *Fresh Outdoor Carport and Pergola Pty Ltd v Style Group Construction Pty Ltd* [2024] QSC 43 – insolvency and application for winding up (unled).
- *Swiss Re International SE v LCA Marrickville Pty Ltd (Second COVID-19 insurance test cases)* [2021] FCA 1206 and on appeal to the Full Court in [2022] FCAFC 17 – acted for a syndicate of major insurers in relation to the Australian ‘Test Case 2’ insurance claims for business interruption caused by COVID-19 (led by Bret Walker SC).
- *Hong v Gui* [2022] NSWSC 431 and on appeal in [2022] NSWCA 245 and on appeal to the High Court in which the special leave was sought – acted for vendor in relation to a dispute over the sale of land (led by Andrew Harding SC).

- *In the matter of Black Tie Holdings Pty Ltd* [2022] NSWSC 781 – insolvency - application to set aside statutory demand under *Corporations Act* provisions (unled).
- *Shahrouk v Lawcover Insurance Pty Limited* [2025] NSWSC 1332 – application for summary judgment concerning interpretation of insurance contract (led by Justin Hewitt SC).
- *Goldfish Bar & Restaurant Pty Ltd v Roche Group Pty Ltd* [2022] NSWSC 1481 – acted for tenant in retail lease dispute (led by Andrew Harding SC).

Updated 2026