



▶ Andrew Schatz

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Profile

Andrew joined Murray Chambers in July 2016 after working as a solicitor for 14 years at Clayton Utz and the Australian Government Solicitor. He has appeared as an advocate in courts and tribunals at all levels of the legal hierarchy in a diverse range of cases including:

- administrative and judicial review proceedings
- social security and child support proceedings
- appeals to the District Court, Supreme Court, Federal Court, Full Court of the Federal Court and High Court of Australia
- veterans' entitlement and military compensation proceedings
- workers' compensation and personal injury proceedings
- anti-discrimination and sexual harassment proceedings
- disciplinary matters (especially those involving tax agents and health practitioners)
- intellectual property proceedings
- privacy and freedom of information matters.

Andrew has a computer science degree and was the national leader of the Australian Government Solicitor's media and communications network. He has provided complex advice on a wide range of intellectual property, cloud computing, Web 2.0, 'image rights' and other emerging technology issues.

Andrew is also a gifted public speaker and has written a number of articles that have been published in some of Australia's leading legal publications.

Education

Australian National University — Accounts; Legal Ethics (2001)

Flinders University of South Australia — Bachelor of Laws (1996-2001)

**Flinders University of South Australia — Bachelor of Science
(Majoring in Computer Science)** (1996-2001)

Employment history

Senior Lawyer – Australian Government Solicitor, Adelaide (2006 –2016)

Lawyer – Australian Government Solicitor, Darwin (2002 –2005)

Articled Clerk / Solicitor – Clayton Utz Lawyers, Darwin (2001-2002)

Law Clerk – Fisher Jeffries Barristers and Solicitors, Adelaide (2000 –2001)

Relevant experience

Advocacy experience

- ▶ Here are some examples of cases Andrew has appeared in:
 - ▶ *Nursing and Midwifery Board of Australia v Marwick* [2018] SAHPT 23
 - ▶ *Prodata Solutions Pty Ltd v SAFESC* [2018] FCA 1665
 - ▶ *Timothy Lee v Nursing and Midwifery Board of Australia* [2018] SAHPT 21
 - ▶ *Re Terbizan and Comcare* [2018] AATA 3862
 - ▶ *Medical Board of Australia v Jahangir* [2018] SAHPT 10
 - ▶ *Towle v Secretary, Department of Social Services* [2018] FCAFC 171
 - ▶ *Nursing and Midwifery Board of Australia v Moyle* [2018] SAHPT 8
 - ▶ *Towle v Secretary, DSS* [2018] FCA 407
 - ▶ *Medical Board of Australia v Hedges* [2018] SAHPT 6
 - ▶ *Re SPYM and Repatriation Commission* [2018] AATA 476
 - ▶ *Re Stephen and Comcare* [2018] AATA 344
 - ▶ *Re Westley and Repatriation Commission* [2017] AATA 1988
 - ▶ *Re Clayton and Repatriation Commission* [2017] AATA 154
 - ▶ *Juneja v Tax Practitioners Board* [2017] FCA 908
 - ▶ *Medical Board of Australia v Soo* [2017] SAHPT 10
 - ▶ *Re Hamilton and Comcare* [2017] AATA 1139
 - ▶ *Re TRNC and Comcare* [2017] AATA 1105
 - ▶ *Medical Board of Australia v Lang & Lang* [2017] SAHPT 5
 - ▶ *Physiotherapy Board of Australia v Soo* [2017] SAHPT 2
 - ▶ *Re Scott and Repatriation Commission* [2017] AATA 1
 - ▶ *Re Three Wickets Pty Ltd and Tax Practitioners Board* [2016] AATA 786
 - ▶ *Re Oleshko and Tax Practitioners Board* [2016] AATA 237
 - ▶ *Re Secretary, DSS and Jongerdon* [2016] AATA 17
 - ▶ *Elbehidi v Secretary, Department of Employment* [2015] FCA 1229
 - ▶ *Re Secretary, DSS and Stark* [2015] AATA 424
 - ▶ *Soo v Physiotherapy Board of Australia (No 2)* [2015] SADC 90
 - ▶ *Re Secretary, DSS and Sidwell* [2015] AATA 402
 - ▶ *Soo v Physiotherapy Board of Australia* [2015] SADC 30
 - ▶ *Re Burnett and Tax Practitioners Board* [2014] AATA 687
 - ▶ *Physiotherapy Board of Australia v Soo* [2014] SAHPT 16
 - ▶ *Re Yazdari v Secretary, Dept of Social Services* [2014] AATA 34
 - ▶ *Rana v Commonwealth of Australia* [2013] FCA 189
 - ▶ *Rana v Repatriation Commission* (2011) 126 ALD 1
 - ▶ *Kowalski v CEO of Medicare Australia* (2010) 185 FCR 42
 - ▶ *Kowalski v Repatriation Commission* (2009) 259 ALR 444

- ▶ *Fenner v Repatriation Commission* (2007) 96 ALD 562

Other litigation experience:

- ▶ Andrew also instructed Senior Counsel in a number of complex matters including:
 - ▶ *Roncevich and Repatriation Commission* (2005) 222 CLR 115: an appeal to the Full Bench of the High Court of Australia involving a claim made under the *Veterans' Entitlements Act 1986* (Cth) by a former soldier who injured himself when he fell out of a barracks window while leaning out to spit onto the ground.
 - ▶ *Elders Rural Services Australia Ltd v Registrar of Plant Breeder's Rights* (2012) 199 FCR 520: an appeal to the Full Court of the Federal Court in a proceeding brought under the *Plant Breeder's Rights Act 1994* (Cth).
 - ▶ *Lawrie v Carey DCM and Anor* [2016] NTSC 23: an application for declaratory relief relating to 3 search warrants executed by the Northern Territory Police as part of a high profile criminal investigation.

Relevant outposts

- ▶ Andrew was outposted to the Department of Human Services as an advocate three times in 2012 and 2013. During that time, he appeared for the Secretary of the Department of Social Services, the Secretary of the Department of Employment and the Child Support Registrar in a number of different matters involving Disability Support Pension claims, Newstart Allowance claims, Age Pension claims, Family Tax Benefit claims and Child Support proceedings.
- ▶ Andrew was also twice outposted to the Australian Communications and Media Authority. He worked on a range of media, telecommunications and unsolicited communications matters.

Legal advice

- ▶ Andrew has advised on a number of complex intellectual property, cloud computing, Web 2.0, and other emerging technology matters relating to online communities, discussion forums, YouTube channels, Facebook pages, smartphone applications and cloud computing solutions.
- ▶ He has also provided complex advice on a range of complex litigation, administrative, information law and judicial review matters.

Articles and presentations

Articles

- ▶ Andrew has written articles that have been published in some of Australia's leading legal publications including AGS Commercial Notes, Balance, Lawyers Weekly and the Internet Law Bulletin. Examples include:
 - ▶ AGS Commercial Note No 13: *Online privacy, spam and the Stored Communications Act*, 8 February 2005
 - ▶ *Trapped in the Web: IT Policies and the Stored Communications Act* (2005) 8(3) ILB 33, June 2005
 - ▶ AGS Commercial Note No 17: *The extended reach of the Workplace Surveillance Act*, 5 October 2005

- ▶ *Still trapped in the Web: Network administration and the TIA Act (2006) 9(5) ILB 53*, August 2006
- ▶ AGS Commercial Note No 20: *Recent developments in telecommunications interception and access law*, 19 September 2006
- ▶ Snooks, A & Schatz, A, *Negotiating the Cloud – Legal issues in Cloud Computing Agreements*, Australian Government Information Management Office (AGIMO), February 2012.

Presentations

- ▶ Andrew has given numerous presentations at local, national and international conferences on advocacy and technology law issues including:
 - ▶ Industrial Relations Society of SA Inc, Adelaide, *The social media minefield: Work life, home life and the danger zone between*, February 2016
 - ▶ Solicitor for the Northern Territory Masterclass, Darwin, *Trying cases, not patience: a strategic approach to tribunal advocacy*, October 2015
 - ▶ Law Society of SA, Adelaide, *Different strokes for different folks: Dealing with difficult or vexatious litigants*, May 2014
 - ▶ Advanced Contract Law Conference, Adelaide. *Contract, What Contract? Practical Challenges with Creating Effective and Enforceable Agreements in a Web 2.0 Environment*, 11 November 2011
 - ▶ Solicitor for the Northern Territory Masterclass, Darwin, *Hot Potato Time Machine: A story about potatoes, time travel ... and statutory interpretation*, September 2011
 - ▶ CeBIT Gov 2.0 Conference, Canberra, *Opportunities and risks associated with Gov 2.0 information sharing arrangements*, 3 November 2010
 - ▶ Solicitor for the Northern Territory Masterclass, Darwin, *To tweet, or not to tweet: that is but one of the questions: Legal issues associated with Web 2.0 initiatives*, 2010
 - ▶ AGS National Migration Forum, Canberra, *Evidentiary issues in AAT character cases*, 2010
 - ▶ CeBIT 2010 eGovernment Forum, *Realities and Resources – Public Policy and Web 2.0*, 25 May 2010
 - ▶ AGS National Employment Forum, Canberra, *Spam, sandwiches and other IT misadventures*, 2007
 - ▶ Law Society of SA, Adelaide, *Recent developments in unsolicited communications law*, 2007
 - ▶ AGS Media and Communications Forum, Sydney, *Cat herding, wind roping and controlling access to electronic communications* (Andrew also organised the Forum itself in his capacity as national leader of the AGS media and communications network), 2007
 - ▶ Law Society of SA, Adelaide, *Cybernaughties*, 2007
 - ▶ AGS National Intellectual Property Forum, Canberra, *Smart cards, intellectual property and other brainy stuff*, 2006
 - ▶ AGS National Intellectual Property Forum, Canberra, *Free speech or free beer: Developments in open source software*, 2005
 - ▶ AGS National Trade Practices Forum, Melbourne, *Cyberscamming – A tangled web of deception*, 2004
 - ▶ AGS Canberra GLG seminar, *Spam Wars: How the new anti-spam legislation will affect government bodies*, 2004

Podcasts

- ▶ Andrew has featured in two Boardroom radio podcasts including the first by an AGS lawyer:
 - ▶ *Government embraces Web 2.0*, 11 June 2010
 - ▶ *Gov 2.0: from talk to walk*, 9 November 2010