

Brendan Lim
Eleven Wentworth

Eleven Wentworth Chambers
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Practice

Called to the bar in 2014. Admitted to practice in 2009.

Briefs are accepted in all areas of law.

Main practice areas are in **public law** (administrative, constitutional and regulatory, including taxation, competition, electoral and securities) and **commercial law** (including contracts, equity, corporations and trade practices).

Education

Yale Law School

2013 **JSD** with John Addison Porter Prize
2009 **LLM**

John Monash Scholar

University of Adelaide

2007 **LLB (Hons)** with University Medal in Law
2007 **B Mus (Hons)** with University Medal in Music
2004 **B Ma & Comp Sc** (Pure Maths and Statistics)

Honours Alumni University Medal

First place in: Equity, Remedies, Litigation Practice, Constitutional Law, Administrative Law, Comparative Law, Jurisprudence, Jessup Moot (Best Oralist, Australian Rounds 2005)

Professional experience

2014-present

Barrister
Eleven Wentworth Chambers

2012-2013

Associate to Justice Stephen Gageler
High Court of Australia

2009-2011 and 2012

Counsel Assisting the Solicitor-General

Worked directly for Stephen Gageler SC in the preparation of advice to and litigation on behalf of the Commonwealth government. Appeared as junior counsel in domestic and international matters.

2007-2008

Associate to Justice Anthony Besanko
Federal Court of Australia

Representative matters

High Court of Australia

Graham and Te Puia v Minister for Immigration and Border Protection (ongoing)

- Constitutional and migration law
- Led by SP Donaghue QC and CL Lenehan, for the Minister (AGS)

Re Robert John Day (ongoing; [2017] HCA 2)

- Constitutional and electoral law
- Led by NJ Williams SC (trial of fact before Gordon J) and by SP Donaghue QC, NJ Williams SC, and CL Lenehan (Full Court), for the Attorney-General (Cth) (AGS)

Re Senator Rodney Norman Culleton (ongoing; [2017] HCA 3)

- Constitutional and electoral law
- Led by NJ Williams SC and CL Lenehan, for the Attorney-General (Cth) (AGS)

NSW Aboriginal Land Council v Crown Lands Minister [2016] HCA 50

- Aboriginal land claim, statutory construction and New South Wales constitutional law
- Led by BW Walker SC, for NSWALC (Chalk & Fitzgerald)

CFMEU v Director, Fair Work Building Industry Inspectorate [2016] HCA 41

- Administrative law
- Led by NJ Williams SC, for the Director (AGS)

Murphy v Electoral Commissioner (2016) 334 ALR 369; [2016] HCA 36

- Constitutional and electoral law
- Led by R Merkel QC, with CJ Tran, for Mr Murphy (King & Wood Mallesons)

Maritime Union of Australia v Minister for Immigration (2016) 334 ALR 223; [2016] HCA 34

- Offshore resources and administrative law
- Led by NJ Williams SC, for the MUA (Slater & Gordon)

AG v Director of Public Prosecutions (NSW) [2016] HCATrans 50 (special leave application)

- Criminal and administrative law
- Led by TA Game SC, for the Applicant (Greg Walsh & Co)

Duncan and Cascade Coal Pty Ltd v New South Wales (2015) 255 CLR 388

- Constitutional law
- Led by AS Bell SC, for Mr Duncan and Cascade Coal (YPOL and Tresscox)

RCB as litigation guardian of EKV, CEV, CIV and LRV v Justice Forrest (2012) 247 CLR 304

- Constitutional and family law, Hague Convention on Civil Aspects of Int'l Child Abduction
- Led by SJ Gageler SC and R Graycar, for the Attorney-General (Cth) (AGS)

Australian Crime Commission v Stoddart (2011) 244 CLR 554

- Evidence law, established non-existence of privilege against spousal incrimination
- Led by SJ Gageler SC, for the Australian Crime Commission (AGS)

Edwards v Santos Ltd (2011) 242 CLR 421

- Constitutional and native title law
- Led by SJ Gageler SC and RG Orr QC, for the Attorney-General (Cth) (AGS)

Commercial law

Mirvac (WA) Pty Ltd v Binningup Nominees Pty Ltd (WASC, ongoing)

- Breach of contract, good faith
- Led by AS Bell SC, for Mirvac (Minter Ellison)

Sidgreaves v Blooms The Chemist Management Services Pty Ltd (NSWSC, ongoing)

- Sale of business, misleading or deceptive conduct
- Led by PS Braham SC, for Blooms (Meridian Lawyers)

Alleasing Pty Ltd v OneSteel Manufacturing Pty Ltd (Admin App'td) [2017] NSWSC 21

- PPSA registration and constitutional issues
- Led by NC Hutley SC, for OneSteel (Arnold Bloch Leibler)

Smith v Acquire Asia Pacific Philippines Inc [2016] NSWSC 1084; [2016] NSWSC 1285

- Contract construction, freezing orders
- Led by I Pike SC, for Acquire (Marque Lawyers)

Re Idylic Solutions Pty Ltd (2016) 114 ACSR 230; [2016] NSWSC 907 / 1292

- Directions to liquidators / liquidator remuneration
- Led by M Oakes SC / unled, for the liquidators (K&L Gates)

Minumbra Pty Ltd v AM Lancewood Investment Nominees Pty Ltd [2015] NSWSC 302

- Contract construction, guarantees, subrogation
- Led by GKJ Rich SC, for Lancewood (Arnold Bloch Leibler)

ACCC v Pfizer Australia Pty Ltd (2015) 323 ALR 429; [2015] FCA 113

- Confidentiality orders
- Unled for subpoenaed third-party pharmaceutical company (Ashurst)

Torr & Torr Realty Pty Ltd v Telstra (NSWSC, 2015, settled in mediation)

- Breach of lease, trespass to land
- Led by K Andronos SC, for Torr & Torr (HWL Ebsworth)

Hemmes Property Pty Ltd v Jomaring PL (NSWSC, 2015, settled shortly before hearing)

- Lease termination, relief against forfeiture
- Led by AS Bell SC and JJ Hutton, for Hemmes Property (Addisons)

Sydney Forex Pty Ltd v Westpac Banking Corporation (FCA, 2015, settled after hearing)

- Banking, anti-money laundering and terrorism financing, injunction
- Led by DB Studdy SC, for Westpac (Gilbert+Tobin)

Public law

SA Power Networks v Australian Competition Tribunal (FCAFC ongoing)

- ADJR Act judicial review of electricity revenue determination
- Led by CA Moore SC, RCA Higgins and C Dermody, for SA Power Networks (Gilbert+Tobin)

NSW Greyhound Breeders Owners & Trainers Assoc v A-G (NSW) (NSWSC, ongoing)

- Challenge to report of special commission of inquiry into greyhound racing
- Led by NC Hutley SC and SJ Free, for the Attorney-General (NSW) (CSO)

Taulahi v Minister for Immigration and Border Protection [2016] FCAFC 177

- Character-based visa cancellation and constitutional law
- Led by SP Donaghue QC and CL Lenehan, for the Minister (AGS)

Burroughs v Australian Prudential Regulation Authority [2016] FCA 775

- Insurance regulation
- Led by PS Braham SC, for APRA (APRA)

Garth v The Queen [2016] NSWCCA 203

- Constitutional and sentencing law
- Led by G Bashir SC, for Mr Garth (Legal Aid NSW)

Crown Lands Minister v NSW Aboriginal Land Council [2016] NSWCA 253

- Aboriginal land claim, statutory construction
- Led by SE Pritchard SC, for NSWALC (Chalk & Fitzgerald)

Quach v Health Care Complaints Commission [2016] NSWCA 10

- Judicial review
- Unled, for the Attorney-General (NSW) (CSO)

Millers Point Fund Inc v Lendlease (Millers Point) Pty Ltd [2016] NSWLEC 166

- Barangaroo challenge
- Led by R Beasley SC, for the Minister for Planning (Department of Planning)

Gong v Minister for Immigration (2016) 309 FLR 151; [2016] FCCA 561

- Risk-based visa cancellation, unproven criminal charges, legal unreasonableness
- Unled, for Mr Gong (Kinslor Prince)

Cram Fluid Power v Green [2015] NSWCA 250

- Statutory construction, workers compensation
- Led by JK Kirk SC, for Cram Fluid Power (Hicksons)

SHCAG Pty Ltd v Hume Coal Pty Ltd (2015) 209 LGERA 347; [2015] NSWLEC 122

- Judicial review
- Led by RP Lancaster SC, for the Minister for Resources (CSO)

MUA v Minister for Immigration [2014] FCA 993; (2015) 230 FCR 523 (Full Court)

- Offshore resources and administrative law, first instance and appeal
- Led by AS Bell SC, for the Maritime Union of Australia (Slater & Gordon)

Tribunals and regulatory bodies

SVDW and YMWK v Innovation Australia (AAT, reserved)

- Research and development tax concession
- Led by SE Pritchard SC, for Innovation Australia (Clayton Utz)

Applications by PIAC, Ausgrid & Ors [2016] ACompT 1-4

- Merits review of electricity revenue determinations by Australian Energy Regulator
- Led by TM Howe QC, for the Commonwealth Energy Minister (AGS)

Review of s 35P of the ASIO Act (Independent National Security Legislation Monitor)

- Media law and national security law
- Led by AS Bell SC, for Seven West Media (Addisons)

Private insider trading hearing before ASIC delegate, led by GJK Rich SC (Ashurst)

Private market manipulation hearings before Market Disciplinary Panel (ASIC)

Commissions of inquiry

Royal Commission into Trade Union Governance and Corruption

- Inquiries into CFMEU (NSW) (Chs 7.1 and 7.2 of Final Report)
- Led by TA Game SC, for Brian Parker, Secretary CFMEU (NSW) (McLachlan Thorpe)

International law

Australia — Measures Affecting the Importation of Apples from New Zealand [2010] WT/DS367/AB/R (Appellate Body of the WTO, Geneva, Switzerland)

- International trade law, quarantine
- Led by SJ Gageler SC, for Australia (DFAT and Office of International Law, AGD).

Select publications

Book

Australia's Constitution after Whitlam (Cambridge University Press, forthcoming 2017)

Book chapters

'The Rationales for the Principle of Legality' in Dan Meagher and Matthew Groves (eds), *The Principle of Legality in Australia and New Zealand* (Federation Press, forthcoming 2017)

'Legitimacy' in Cheryl Saunders and Adrienne Stone (eds), *Oxford Handbook of the Australian Constitution* (Oxford University Press, forthcoming 2017)

Refereed journal articles

'Collective Irrationality and the Doctrine of Precedent' (2014) 38 *Melbourne University Law Review* 525 (with Justice Stephen Gageler)

'Laboratory Federalism and the *Kable* Principle' (2014) 42 *Federal Law Review* 519 (joint winner of the Saunders Prize for Excellence in Scholarship in Constitutional Law)

'The Normativity of the Principle of Legality' (2013) 37 *Melbourne University Law Review* 372

'Hypothetical Jurisdiction: A Reply to Justice Mark Leeming' (2013) 87 *Australian Law Journal* 680

'The Case for Hypothetical Jurisdiction' (2012) 86 *Australian Law Journal* 616

'An Australian Reads *Living Originalism*' (2012) 34 *Sydney Law Review* 809

'Attributes and Attribution of State Courts — Federalism and the *Kable* Principle' (2012) 40 *Federal Law Review* 31 (winner of the Zines Prize for Excellence in Legal Research)