

Perry Herzfeld SC

Professional details

Admitted to practice:	26 April 2006
Bar admission:	19 November 2009 (Vic); 1 July 2013 (NSW)
Appointed Senior Counsel:	30 September 2020
Qualifications:	BSc LLB (Hons) (Melb) LLM (Melb)
Other legal positions:	Editor, <i>New South Wales Law Reports</i> (2022–) Fellow, Australian Academy of Law (2022–)
Previous legal positions:	Associate to the Hon Justice Susan Crennan AC, High Court of Australia (2008–9) Allens Arthur Robinson, Articled Clerk (2005–6), Lawyer (2006–8) Reporter, <i>Commonwealth Law Reports</i> (2010–16)

Contact details

Chambers:	Eleven Wentworth Chambers Level 11, 174–180 Phillip Street SYDNEY NSW 2000
Telephone:	02 8231 5057
Email:	pherzfeld@elevenwentworth.com
Fax:	02 9232 7626
Clerk:	Zach Rymer Eleven Wentworth Chambers Level 11, 174–180 Phillip Street SYDNEY NSW 2000 02 9232 7609
Melbourne clerk:	John Dever (List D) Owen Dixon Chambers 205 William Street MELBOURNE VIC 3000 03 9225 7999

Education

Post-graduate: LLM (Melb)

Graduate: BSc LLB (Hons) (Melb)

Placed second on the Final Law Honours List (Spero Wilson Memorial Scholarship)

Harrison Moore Exhibition for Advanced Constitutional Law (placed first in subject)

Full Faculty Scholarship from the Faculty of Law

Recent publications

“Statutory Interpretation from *Visy* to Today” in Stephen Puttick and Michael Gvozdenovic (eds), *Current Issues in Competition Law: Volume I* (2021, Federation Press)

Statutory Interpretation Principles (2nd ed, 2021, Thomson Reuters) (with Thomas Prince)

Interpretation (2nd ed, 2020, Thomson Reuters) (with Thomas Prince)

“Limitation of Actions and Specific Performance” (2019) 93 ALJ 470

Recent cases

Appellate

Insurance Australia Ltd v Meridian Travel (Vic) Pty Ltd [2022] HCATrans 172 — special leave, insurance, business interruption, for Insurance Australia Ltd

Australia Capital Financial Management Pty Ltd v Australian Financial Complaints Authority Limited [2022] NSWCA 204 — corporations, external dispute resolution scheme, for the first respondent

Attorney-General v Lambourne, Kiribati Court of Appeal, 26 August 2022 — constitutional law, judicial independence, appeals, for the respondent

Hancock v Hancock Prospecting Ltd [2022] NSWCA 152 — arbitration, for the ninth and tenth respondents

Alexander v Minister for Home Affairs (2022) 96 ALJR 560; 401 ALR 438; [2022] HCA 19 — constitutional law, citizenship, judicial power, for the defendants (with Stephen Donaghue QC)

Bowers v Judicial Commission of New South Wales [2022] NSWCA 69 — appeal competency, for the respondent

SDCV v Director-General of Security [2022] HCATrans 20 — special leave, constitutional law, for the respondents

Springs v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2022] HCATrans 17 — special leave, administrative law, migration, for the respondent

LCA Marrickville Pty Limited v Swiss Re International SE (2022) 401 ALR 204; [2022] FCAFC 17 — insurance, business interruption, for Insurance Australia Ltd (with Ian Jackman SC)

XJLR v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (2022) 289 FCR 256; [2022] FCAFC 6 — administrative law, migration, for the respondent

WKMZ v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2021] HCATrans 195 — special leave, administrative law, migration, for the respondent

HZCP v Minister for Immigration and Border Protection [2021] HCATrans 168 — special leave, administrative law, migration, for the respondent

Fairfax Media Publications Pty Ltd v Voller (2021) 95 ALJR 767; 392 ALR 540; [2021] HCA 27 — defamation, for the appellants (with Neil Young QC)

Harris v New South Wales [2021] NSWCA 208 — torts, arrest, for the respondent

FFM20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (2021) 286 FCR 405; [2021] FCAFC 156 — administrative law, migration, for the respondent

GR v Secretary, Department of Communities and Justice [2021] NSWCA 157 — child welfare, statutory construction, for the Legal Aid Commission of NSW (as *amicus curiae*)

HDI Global Specialty SE v Wonkana No 3 Pty Limited Trading as Austin Tourist Park [2021] HCATrans 117 — special leave, insurance, for the applicant (with Ian Jackman SC)

Zhang v Commissioner of Police (2021) 95 ALJR 432; 389 ALR 363; [2021] HCA 16 — torts, constitutional law, search warrants, for the first defendant and Attorney-General of the Commonwealth (with Stephen Donaghue QC)

Ozcan v Macarthur Disability Services Ltd (2021) 306 IR 52; [2021] NSWCA 56 — administrative law, workers' compensation, for the respondent

SDCV v Director-General of Security (2021) 284 FCR 357; [2021] FCAFC 51 — constitutional law, administrative law, national security, for the respondent

KDSP v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2021] HCATrans 20 — special leave, statutory interpretation, migration, for the respondent

Walton v ACN 004 410 833 Limited (formerly Arrium Limited) (in liquidation) [2021] HCATrans 18 — special leave, corporations, for the second respondent

BHL19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] HCATrans 220 — special leave, administrative law, migration, for the respondent

Lewis v Australian Capital Territory (2020) 271 CLR 192; [2020] HCA 26 — torts, false imprisonment, damages, for the appellant

ACN 004 410 833 Ltd (formerly Arrium Ltd) (in liq) v Walton (2020) 383 ALR 298; [2020] NSWCA 157 — corporations, public examination, abuse of process, for KPMG

Cantrell v North (2020) 354 FLR 252; [2020] FamCAFC 175 — family law, property adjustment, fraudulent transactions, for the appellant

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v BFW20 (2020) 279 FCR 475; [2020] FCAFC 121 — administrative law, migration, for the appellant

BHL19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (2020) 277 FCR 420; [2020] FCAFC 94 — administrative law, migration, for the respondent

Hackett (a pseudonym) v Secretary, Department of Communities and Justice (2020) 379 ALR 248; [2020] NSWCA 83 — adoption, statutory construction, procedural fairness, for the applicant

Chamoun v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (2020) 276 FCR 75; [2020] FCAFC 66 — administrative law, migration, for the respondent

Spence v Queensland (2019) 93 ALJR 643; 367 ALR 587; [2019] HCA 15 — constitutional law, elections, inconsistency of laws, implied freedom of political communication, for the Attorney-General of the Commonwealth (with Stephen Donaghue QC)

Degning v Minister for Home Affairs (2019) 270 FCR 451; [2019] FCAFC 67 — administrative law, migration, statutory interpretation, for the respondent

Globe Church Incorporated v Allianz Australia Insurance Ltd (2019) 99 NSWLR 470; [2019] NSWCA 27 — insurance, limitation of actions, for the first defendant

First instance

DMH20 v Minister for Home Affairs [2022] FCA 1054, constitutional law, migration, for the respondent

Hancock v Rinehart [2022] NSWSC 1025, suppression orders, for the first defendant/cross-claimant

Commissioner of Police v Attorney General (NSW) [2022] NSWSC 595, administrative law, coronial inquiry, public interest immunity, for the defendant

Plaintiff S111A/2018 v Minister for Home Affairs (No 4) [2022] FCA 329 — administrative law, migration, for the respondents

Aversa v Transport for New South Wales [2022] NSWSC 277 — public interest immunity, for Transport for New South Wales and the Secretary of the New South Wales Treasury

CCU21 v Minister for Home Affairs (2022) 398 ALR 535; [2022] FCA 28 — administrative law, migration, for the respondents

The Environment Centre NT Inc v Minister for Resources and Water (No 2) (2021) 399 ALR 68; [2021] FCA 1635 — administrative law, environment, for the applicant

Minister for Home Affairs v Pender (2021) 363 FLR 309; [2021] NSWSC 1644 — continuing detention order, for the plaintiff

EPU19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (No 2) [2021] FCA 1536 — administrative law, migration, for the respondent

Australian Capital Financial Management Pty Ltd v Australian Financial Complaints Authority Ltd [2021] NSWSC 1577 — corporations, external dispute resolution scheme, for the first defendant

Australian Aged Dental Care Pty Ltd v Australian Dental Association (New South Wales Branch) Ltd [2021] FCA 1514 — misleading or deceptive conduct, stay of proceedings, for the respondent

Swiss Re International SE v LCA Marrickville Pty Ltd (Second COVID-19 insurance test cases) (2021) 394 ALR 461; [2021] FCA 1206 — insurance, business interruption, for Insurance Australia Ltd (with Ian Jackman SC)

KDSP v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (2021) 95 ALJR 666; 392 ALR 186; [2021] HCA 24 — administrative law, migration, for the defendant

AGH21 v Minister for Home Affairs [2021] FCA 452 — administrative law, migration, for the respondent

AGP21 v Minister for Home Affairs [2021] FCA 281 — administrative law, migration, for the respondent

Abela v Minister for Home Affairs [2021] FCA 96 — summary dismissal, migration, for the respondent

Shorey v One Key Workforce Pty Ltd (in liq) [2020] FCA 1750 — preliminary discovery, for the intervener One Key Resources Pty Ltd

Re Imogen (No 6) (2020) 61 Fam LR 344; [2020] FamCA 761 — family law, transgender children, for the Attorney-General of the Commonwealth

Walker v Minister for Home Affairs [2020] FCA 909 — administrative law, migration, for the respondent

BFW20 by his Litigation Representative BFW20A v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 562 — administrative law, migration, mandamus, for the respondents

Liristis v Corrective Services NSW (No 4) [2020] NSWSC 147 — contempt, for the defendants

Environment Protection Authority v Newcastle Ports Corporation [2020] NSWLEC 6 — environmental prosecution, duplicity, for the prosecutor

SDCV v Director-General of Security [2019] AATA 6112 — national security, adverse security assessment, for the respondent

SYLN v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2019] FCA 1986 — administrative law, migration, for the respondent

In the matter of ACN 004 410 833 Ltd (formerly Arrium Ltd) [2019] NSWSC 1606 — corporations, public examination, abuse of process, for KPMG

Ljubisavlijevic v Workers Compensation Commission (NSW) [2019] NSWSC 1358 — administrative law, workers' compensation, for the fourth defendant (Pascoes Pty Ltd)

Chamoun v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (No 2) [2019] FCA 1520 — administrative law, migration, for the respondent

FQM18 v Minister for Home Affairs [2019] FCA 1263 — administrative law, migration, for the respondent

BHL19 v Minister for Immigration, Citizenship and Multicultural Affairs (2019) 166 ALD 284; [2019] FCA 929 — administrative law, migration, for the respondent

Applicant ACD13/2019 v Stefanic [2019] FCA 548 — interlocutory injunction, public interest disclosure, for the respondents

Ezegbe v Minister for Immigration and Border Protection (2019) 164 ALD 139; [2019] FCA 216 — administrative law, migration, for the respondent