

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)
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 for <i>Commonwealth Law Reports</i> (2010–16)

Contact details

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205 William Street
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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* (forthcoming)

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

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*)

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

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) 389 ALR 372; [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) 94 ALJR 740; 381 ALR 375; [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, with Stephen Donaghue QC, for the Attorney-General of the Commonwealth (intervening)

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

Forster v Minister for Immigration and Border Protection (2018) 264 FCR 58; [2018] FCAFC 125 — administrative law, migration, for the respondent

First instance

KDSP v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [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 (intervening)

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

Ljubisavljevic 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

Hartigan v Treasurer (ACT) (2018) 338 FLR 324; [2018] ACTSC 271 —

administrative law, act of grace payment, for the plaintiff

DKB18 v Minister for Home Affairs [2018] FCA 1465 — administrative law,

migration, statutory interpretation, for the respondent

McKane v Commissioner of Corrective Services (NSW) (No 3)

[2018] NSWSC 1060 — administrative law, corrective services, for the defendant

Vannini v Worldwide Demolitions Pty Ltd [2018] NSWSC 572 —

administrative law, workers' compensation, for the first defendant