

Perry Herzfeld

Professional details

Admitted to practice:	26 April 2006
Signed Bar Roll:	19 November 2009
Qualifications:	BSc LLB (Hons) (Melb) LLM (Melb)
Previous legal positions:	Associate to the Honourable Justice Susan Crennan AC, High Court of Australia (2008–9) Allens Arthur Robinson, Articled Clerk (2005–6), Lawyer (2006–8) Reporter for the <i>Commonwealth Law Reports</i> (2010–16)

Contact details

Chambers:	Eleven Wentworth Chambers Level 11, 174–180 Phillip Street SYDNEY NSW 2000
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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

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

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

Recent cases

Unled

Appeals

Lewis v Australian Capital Territory [2020] HCA 26 — torts, false imprisonment, damages, for the appellant

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

Cantrell v North [2020] FamCAFC 175 — family law, property adjustment, fraudulent transactions, for the appellant

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v BFW20 [2020] FCAFC 121 — administrative law, migration, for the appellant

BHL19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [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] FCAFC 66 — administrative law, migration, for the respondent

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

Minister Administering the Water Management Act 2000 v Sharkey (2017) 226 LGERA 322; [2017] NSWCA 319 — statutory interpretation, for the applicant

Morgan v District Court of New South Wales (2017) 94 NSWLR 463; [2017] NSWCA 105 — administrative law, criminal law, judicial review of District Court on appeal from Local Court, for the second respondent (State of New South Wales)

Minister for Immigration and Border Protection v SZVFW (2017) 248 FCR 1; [2017] FCAFC 33 — administrative law, migration, for the appellant

First instance

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

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

Nguyen v Corbett (2018) 19 BPR 38,191; [2017] NSWSC 1689; (No 2) (2018)

19 BPR 38,505; 58 Fam LR 592; [2018] NSWSC 441 — real property, fraudulent conveyances, trusts, for the second defendant

Hall v The Commonwealth [2018] ACTSC 79 — preliminary discovery, for the defendant

Bernard-Ross v New South Wales [2018] NSWSC 182 — administrative law, corrective services, for the second defendant (Commissioner of Corrective Services)

Parker v Select Civil Pty Ltd [2018] NSWSC 240 — administrative law, workers' compensation, for the defendant

CGR v Office of the Children's Guardian [2018] NSWSC 26 — administrative law, children, for the defendant

DLF16 v Minister for Immigration and Border Protection [2017] FCA 1072 — administrative law, migration, for the respondent

Sharkey v Minister Administering the Water Management Act 2000

[2017] NSWLEC 47 — statutory interpretation, for the respondent

ARJ17 v Minister for Immigration and Border Protection (2017) 250 FCR

446; [2017] FCA 263 — administrative law, jurisdiction, migration, for the respondent

LFDB v SM (No 3) [2017] FCA 80 — private international law, registration of foreign judgments, *Trans-Tasman Proceedings Act 2010* (Cth), for the applicants

Led

High Court

Smethurst v Commissioner of Police [2020] HCA 14; (2020) 94 ALJR 502; 376 ALR 575 — torts, constitutional law, search warrants, with Stephen Lloyd SC for the plaintiffs

New South Wales v Robinson (2019) 94 ALJR 10; 374 ALR 687; [2019] HCA 46 — arrest, statutory interpretation, with Jeremy Kirk SC for the appellant

Masson v Parsons (2019) 93 ALJR 848; 368 ALR 583; [2019] HCA 21 — constitutional law, inconsistency of laws, family law, with Stephen Lloyd SC and Suzanne Christie SC, for the third respondent (the independent children's lawyer)

Plaintiff M47/2018 v Minister for Home Affairs (2019) 265 CLR 285; [2019] HCA 17; — constitutional law, migration, with Stephen Donaghue QC and Zelig Heger, for the respondents

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 and Chris Tran, for the Attorney-General of the Commonwealth (intervening)

Williams v Wreck Bay Aboriginal Community Council (2019) 93 ALJR 279; 363 ALR 63; [2019] HCA 4 — constitutional law, inconsistency of laws, with Jeremy Kirk SC and Richard Arthur, for the first respondent

Minister for Immigration and Border Protection v SZVFW (2018) 264 CLR 541; [2018] HCA 30 — administrative law, migration, appeals, with Neil Williams SC and Matt Sherman for the appellant

Re Gallagher (2018) 263 CLR 460; [2018] HCA 17 — constitutional law, parliamentary disqualification, with Stephen Donaghue QC and Julia Watson, for the Attorney-General of the Commonwealth (intervening)

Re Canavan (2017) 263 CLR 284; [2017] HCA 45 — constitutional law, parliamentary disqualification, with Stephen Donaghue QC, Mark Costello and Julia Watson, for the Attorney-General of the Commonwealth (intervening)

Brown v Tasmania (2017) 261 CLR 328; [2017] HCA 43 — constitutional law, implied freedom of political communication, with Stephen Donaghue QC and Julia Watson, for the Attorney-General of the Commonwealth (intervening)

Plaintiff S195/2016 v Minister for Immigration and Border Protection (2017) 261 CLR 622; [2017] HCA 31 — constitutional law, migration, with Stephen Donaghue QC, Geoffrey Kennett SC and Anna Mitchelmore for the first and second defendants

Plaintiff M96A/2016 v The Commonwealth (2017) 261 CLR 582; [2017] HCA 16 — constitutional law, migration, with Stephen Donaghue QC for the defendants

Intermediate appellate

Parker v Australian Building and Construction Commissioner (2019) 270 FCR 39; [2019] FCAFC 56 — industrial law, civil penalties, with Matthew White SC for the respondent

Ladbrokes Digital Australia Pty Ltd v Liquor & Gaming NSW [2019] NSWCCA 26 — criminal law, case stated, gambling, with Jeremy Kirk SC for the appellant

Vannini v Worldwide Demolitions Pty Ltd [2018] NSWCA 324 — administrative law, workers' compensation, with Jeremy Kirk SC for the first respondent

Robinson v New South Wales (2018) 100 NSWLR 782; [2018] NSWCA 231 — torts, arrest, statutory interpretation, with Jeremy Kirk SC for the respondent

Hunter Quarries Pty Ltd v Mexon (2018) 98 NSWLR 526; [2018] NSWCA 178 — administrative law, workers' compensation, statutory interpretation, with Jeremy Kirk SC for the appellant

ARJ17 v Minister for Immigration and Border Protection (2018) 257 FCR 1; [2018] FCAFC 98 — administrative law, migration, statutory interpretation, with Geoffrey Kennett SC for the respondent

BB Australia Pty Ltd v Danset Pty Ltd [2018] NSWCA 101 — contract law, damages, trusts, with Kelly Rees SC for the appellant

Re Kelvin (2017) 57 Fam LR 503; [2017] FamCAFC 258 — family law, constitutional law, case stated, transgender children, with Kate Richardson SC for the Attorney-General of the Commonwealth (intervening)

Kaldas v Barbour (2017) 326 FLR 122; 350 ALR 292; [2017] NSWCA 275 — administrative law, constitutional law, privative clauses, with Jeremy Kirk SC and Celia Winnett for the first and second defendants

Minister for Immigration and Border Protection v ARJ17 (2017) 250 FCR 31; [2017] FCAFC 125 — administrative law, statutory interpretation, with Geoffrey Kennett SC for the appellant

Mandie v Memart Nominees Pty Ltd [2017] VSCA 177 — trusts, exclusion of beneficiaries, bias, with Alan Archibald QC for the respondent

People for the Plains Incorporated v Santos NSW (Eastern) Pty Ltd (2017) 220 LGERA 181; [2017] NSWCA 46 — administrative law, environment and planning, mining, with Richard Lancaster SC for the third respondent (Secretary, NSW Department of Industry)

Free Serbian Orthodox Church Diocese for Australia and New Zealand Property Trust v Bishop Irinej Dobrijevic (2017) 94 NSWLR 340; [2017] NSWCA 28 — charitable trusts, with Sturt Glacken QC for the first and second respondents

Minister for Indigenous Affairs v MJD Foundation Ltd (2017) 250 FCR 31; [2017] FCAFC 37 — administrative law, statutory interpretation, with Geoffrey Kennett SC for the appellant

First instance

In the matter of RCR Tomlinson Ltd [2020] NSWSC 735 — corporations, insolvency, personal property securities, with Ruth Higgins SC for the Commonwealth

Aurora Funds Management Limited v Australian Government Takeovers Panel (Judicial Review) (2020) 144 ACSR 593; [2020] FCA 496 — administrative law, corporations, with Stephen Lloyd for ASIC

Tredrea v KPMG [2019] NSWSC 640 — class actions, settlement approval, with Jeremy Kirk SC for the defendant

Kazal v Independent Commission Against Corruption [2019] NSWSC 556 — torts, misfeasance in public office, summary dismissal, Independent Commission Against Corruption, with Stephen Free for the second defendant (David Ipp QC).

Mandie v Memart Nominees Pty Ltd [2018] VSC 719 — trusts, exclusion of beneficiaries, with Alan Archibald QC for the defendant

CrownBet Pty Ltd v New South Wales [2017] NSWSC 1470 — equity, declarations, gambling, with Bret Walker SC for the plaintiff

CFMEU v Director of the Fair Work Building Industry Inspectorate (2017) 274 IR 207; 69 AILR 102-869; [2017] FCA 1166 — industrial law, with Michael Wheelahan QC and Matthew Follett for the respondent

BB Australia Pty Ltd v Danset Pty Ltd [2017] NSWSC 1307 — contract, inducing breach of contract, trusts, with Kelly Rees SC for the plaintiff

Blairgowrie Trading Ltd v Allco Finance Group Ltd (Receivers & Managers Appointed) (In Liq) (No 3) (2017) 343 ALR 476; 118 ACSR 614; [2017] FCA 330 — class actions, settlement approval, with Jeremy Kirk SC for the third respondent (KPMG)