

# Perry Herzfeld SC

## Professional details

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<b>Admitted to practice:</b>	26 April 2006
<b>Bar admission:</b>	19 November 2009 (Vic); 1 July 2013 (NSW)
<b>Appointed Senior Counsel:</b>	30 September 2020
<b>Qualifications:</b>	BSc LLB (Hons) (Melb) LLM (Melb)
<b>Previous legal positions:</b>	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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02 9232 7609

**Melbourne clerk:** John Dever (List D)  
Owen Dixon Chambers  
205 William Street  
MELBOURNE VIC 3000  
03 9225 7999

## Education

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**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

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*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

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### Appeals

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*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] 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) 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**

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*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

*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