

SHANE PRINCE SC

Selected and Reported List of Cases by Jurisdiction

High Court

1. *Dean v Pope* [2023] HCATrans 88 (16 June 2023)- Special leave argument re construction of s 50 of the *Civil Liability Act*.
2. *Applicant S270/2019 v Minister for Immigration and Border Protection* [2020] HCA 32 (9 September 2020) [2020] HCA 32; 94 ALJR 897; 383 ALR 194.- Refugees- whether obligation to consider Australia's *refoulment* when considering visa cancellation under s 501 of the *Migration Act*.
3. *Minister for Immigration and Border Protection v SZMTA* [2019] HCA 3; 264 CLR 421¹ - key case in the development of materiality in judicial review.
4. *Minister for Immigration v SZSSJ and SZTZI* [2016] HCA 29, (2016) 259 CLR 180, 90 ALJR 901, 334 ALR 653, [2016] ALMD 4442, [2016] ALMD 4448, [2016] ALMD 4451, [2016] ALMD 4452.
5. *Minister for Immigration v WZAPN* [2015] HCA 22, (2015) 254 CLR 610, 89 ALJR 639, 320 ALR 467, 146 ALD 480, [2015] ALMD 2778, [2015] ALMD 2784*.
6. *Minister for Immigration v WZARH* [2015] HCA 40, (2015) 256 CLR 326, 90 ALJR 25, 326 ALR 1, [2016] ALMD 10, [2016] ALMD 76
7. *Fair Work Ombudsman v Quest South Perth Holdings Pty Ltd, Contracting Solutions Pty Ltd & Paul Konstek* [2015] HCA 45, (2015) 256 CLR 137, 90 ALJR 107, 255 IR 229, 326 ALR 470, (2015) 67 AILR 102-490, [2016] ALMD 277, [2016] ALMD 459, [2016] ALMD 464.*
8. *Plaintiff S10/2011 v Minister for Immigration and Citizenship; Kaur v Minister for Immigration and Citizenship; Plaintiff S49/2011 v Minister for Immigration and Citizenship; Plaintiff S51/2011 v Minister for Immigration and Citizenship* (2012) 246 CLR 636²
9. *Koroitamana v Commonwealth of Australia* (2006) 227 CLR 31; 227 ALR 406; 80 ALJR 1146 [2006] HCA 28^{3*}
10. *Re Minister for Immigration & Multicultural & Indigenous Affairs; Ex parte Applicant S190 of 2002* [2002] HCA 39; (2002) 191 ALR 569⁴

¹ This case has been cited in 1380 other cases, and it is a key case in the development of the doctrine of materiality in judicial review. In this case I appeared with two juniors prior to taking silk.

² This case has been cited in other 125 cases. This case is referred to in D C Pearce & RS Geddes 'Statutory Interpretation in Australia' Eighth Edition.

³ This case has been cited in 15 other cases

⁴ This case has been cited in 11 other cases

* Appeared in case without a speaking role- all other cases lead counsel or speaking role.

11. *PP Consultants v Finance Sector Union of Australia* [2000] HCA 59; (2000) 201 CLR 648; (2000) 75 ALJR 191; (2000) 21 Leg Rep 2^{5*}

NSW Court of Appeal

1. *Dean v Pope* [2022] NSWCA 260 (14 December 2022); 110 NSWLR 398 - Five Member Full Court- Multiple strands of judicial consideration of s 5O and *Bolam* principle for liability for professionals in tort.
2. *Larter v Hazzard* [2022] NSWCA 238 (22 November 2022)- Leave to appeal – involves important consideration of the time constraints on COVID Public Health Orders.
3. *Livers v Legal Services Commissioner (No 2)* [2021] NSWCA 164 (6 August 2021)- Costs for NCAT proceedings where NCAT decision overturned on appeal.
4. *Livers v Legal Services Commissioner* [2020] NSWCA 317 (10 December 2020) [2020] NSWCA 317; 103 NSWLR 738- Court of Appeal upheld appeal from NCAT Occupational Division and dismissed charges of unprofessional conduct against Mr. Livers.
5. *Mangano v Bullen* [2020] NSWCA 283 (12 November 2020)- LAND LAW – CORPORATIONS LAW- whether title to property acquired by fraud – deregistration of company under the 1981 Companies (New South Wales) Code – whether property of deregistered company vested in ASIC – effect of deeming provisions in s 459(6) of the Companies Code.
6. *BP v State of New South Wales* [2019] NSWCA 223 (10 September 2019)- Terrorism High Risk Offender matter- appeal unnecessary as application for ESO by Crown withdrawn.
7. *Ibrahimi v Commonwealth of Australia* [2018] NSWCA 321 (19 December 2018) (Meagher and Payne JJA, Simpson AJA); 366 ALR 341 (led by Cranitch SC; for Commonwealth: A Bell SC, M O’Meara, R Jedrzejczyk).
8. *Lewis v Sergeant Riley* [2017] NSWCA 272, (2017) 96 NSWLR 274.
9. *Hunter Development Corporation v Save Our Rail NSW Inc (No 2)* [2016] NSWCA 375, (2016) 93 NSWLR 704, 220 LGERA 73, [2018] ALMD 1198
10. *Bakers Delight Holdings Ltd v Industrial Court of New South Wales, Illawarra Breads Pty Ltd and Ors* (2009) 186 IR 361; [2009] NSWCA 126 (against Bret Walker SC)⁶

⁵ This case has been cited in 48 other cases. This case is referred to in Breen Creighton & Andrew Stewart 'Labour Law', Fifth Edition

⁶ This case has been cited in 3 other cases

11. *Deva v University of Western Sydney* (2008) 175 IR 89; [2008] EOC 93-497; [2008] NSWCA 137⁷
12. *Kelly v Saadat-Talab* (2008) 72 NSWLR 305; (2008) 228 FLR 284; (2008) 251 ALR 398; [2008] NSWCA 213⁸
13. *Commonwealth of Australia v Griffiths* (2007) 245 ALR 172; (2007) 70 NSWLR 268; [2007] NSWCA 370^{9*}
14. *Chubb Security Australia Pty Ltd v Industrial Relations Commission of New South Wales* [2005] NSWCA 334 (26 September 2005) (Giles JA); 147 IR 168.*
15. *The Owners Strata Plan No 56443 v Regis Towers Real Estate Pty Ltd* (2003) 58 NSWLR 78; [2003] NSWCA 274^{10*}
16. *Puglisi v Administrative Decisions Tribunal of New South Wales Appeal Panel* [2001] NSWCA 298 (12 September 2001) (Heydon JA, Foster AJA and Studdert J) 52 NSWLR 350; 116 LGERA 194*

Supreme Court

1. *Re Paul (No 2)* [2024] NSWSC 106 (14 February 2024) (Lindsay J)
2. *Bartier Perry Pty Ltd; Application of Austin Ta De Investment Pty Ltd & Anor* [2023] NSWSC 1203 (09 October 2023) (Henry J)
3. *Aversa v Transport for New South Wales (No 2)* [2023] NSWSC 892 (3 August 2023)- Significant decision requiring reluctant State party to mediate and consideration of NSW model litigant code.
4. *Stratton v State of New South Wales; Pandolfi v Minister for Health and Medical Research* [2023] NSWSC 396 (20 April 2023)- Black Lives Matter protests and freedom of political communication appeared against Solicitor General. Criminal charges ultimately withdrawn by Police.
5. *Aversa v Transport for New South Wales* [2022] NSWSC 277 (16 March 2022)- Public interest immunity over cabinet documents connected with Westconnex project.
6. *Frankcom v Commissioner of Corrective Services* [2022] NSWSC 225 (7 March 2022)- construction of s 276 of the Crimes (Administration of Sentences) Act 1999 (NSW) – construction of “risk to public health” – whether duty to accord procedural fairness. Ultimately new mother and baby released from Prison.

⁷ This case has been cited in 25 other cases

⁸ This case has been cited in 5 other cases. This case is referred to in D C Pearce & RS Geddes 'Statutory Interpretation in Australia' Eighth Edition

⁹ This case has been cited in 71 other cases

¹⁰ This case has been cited in 9 other cases

7. *Can v State of New South Wales* [2021] NSWSC 1480 (17 November 2021) [2021] NSWSC 1480; 293 A Crim R 69; 363 FLR 111- Challenge to Public Health Orders. Consideration of privilege against self-incrimination.
8. *Wood v Secretary of the Department of Transport on behalf of the Government of New South Wales (No 2)* [2021] NSWSC 1461 (12 November 2021)- Verdict for the Plaintiff (for whom I acted) with indemnity cost see below- Extraordinary judicial statement referring reasons for decision to the Minister for Transport and Commissioner for Police for consideration of the defendant's conduct.
9. *Larter v Hazzard (No 2)* [2021] NSWSC 1451 (10 November 2021)- Public Health Act- Human Rights- Administrative Law – validity of COVID Public Health Orders. *Larter v Hazzard* [2021] NSWSC 1411 (1 November 2021)
10. *Wood v Secretary of the Department of Transport on behalf of the Government of New South Wales* [2021] NSWSC 1248 (1 October 2021)- Wrongful Dismissal- Administrative Law in Public Employment- construction of ss 68N and 68O Transport Administration Act – Whether s 68O operates to preclude judicial review or remedies for breach of contract. Significant media interest employee terminated by Transport for NSW for assisting police in murder investigation.
11. *Elmasri v Transport for NSW (No 2)* [2021] NSWSC 1208 (24 September 2021) – LAND LAW- ADMIN LAW- Leading decision concerning the requirement in s 10A of the Land Acquisition (Just Terms Compensation) Act 1991 - decision of Beech Jones CJ in CL explaining requirements for genuine attempt to acquire land by negotiation with owner.
12. *Aversa v Roads & Maritime Services* [2021] NSWSC 1047 (10 September 2021)- LAND LAW ADMIN LAW- Examination of claims Roads & Maritime Services lacked power to subdivide Plaintiffs land into substrata for acquisition for Westconnex toll road and allegations of false declarations by RMS to Registrar of Land Titles in application for Sub-division.
13. *State of New South Wales v Fayad (Variation of Conditions)* [2021] NSWSC 600 (28 May 2021)- High Risk Terrorism Offender Legislation- Significant and unusual variation of conditions of a High Risk Terrorism Offender Extended Supervision Order and meaning of extremism and finding that it is not only appropriate but also important not to include in the conditions reference to “extremism” which is unrelated to violence or other conduct which could constitute a serious terrorism offence...at [124].
14. *State of New South Wales v Fayad (Final)* [2021] NSWSC 294 (26 March 2021)- High Risk Terrorism Offender proceedings. Significant challenge to State's evidence and acceptance that ESO conditions required revisitation.
15. *Slater & Gordon Ltd v Sellars* [2020] NSWSC 1793 (8 December 2020)- Acted for Slater & Gordon to have pleadings struck out in employment proceedings which included allegations of workplace injury without compliance with requirements of Workplace Injury Management and Workers Compensation Act 1998.

16. *State of New South Wales v Fayad (Preliminary)* [2020] NSWSC 1681 (25 November 2020)- Terrorism High Risk Offender preliminary proceedings.
17. *Coshott v Commonwealth Bank of Australia* [2020] NSWSC 503 (6 May 2020)- Costs- whether Chorley exception applied to costs of in-house counsel.
18. *Nursing and Midwifery Board of Australia v Linquist* [2019] NSWSC 978 (2 August 2019)- Nurse disciplinary proceedings.
19. *Ibrahimi & ors v Commonwealth of Australia (No 9)* [2017] NSWSC 1051 (13 September 2017)- Maritime Law- Negligence- Class action. Acted for the victims and families of Australia's largest peacetime maritime disaster, the sinking of the SIEV 221 at Christmas Island.
20. *Special Broadcasting Services v Corbell* [2016] NSWSC 461¹¹
21. *BGC Partners (Australia) Pty Limited v Hickey* [2016] NSWSC 90 (18 February 2016) (Stevenson J); 259 IR 318*
22. *Think: Education Services Pty Ltd v Lynch* [2011] NSWSC 984 (29 August 2011) (Ward J)*
23. *Deva v University of Western Sydney* (2009) 229 FLR 380; (2009) 182 IR 75; [2009] NSWSC 280¹²
24. *Saadat-Talab v Australian Federal Police* (2007) 215 FLR 205; (2007) 178 A Crim R 527; [2007] NSWSC 1353¹³
25. *Dunlevy v The Law Society of New South Wales* [2006] NSWSC 1408 (13 December 2006) (Young CJ in Eq) B Walker SC and S E J Prince (P) T F Bathurst QC and E A Collins (D)*
26. *Aussie Home Loans v X Inc Services* [2005] ATPR 42-060; [2005] NSWSC 285¹⁴
27. *Owners - Strata Plan No 51487 v Broadsand Pty Ltd* [2002] NSWSC 770^{15*}

Full Court Federal Court and Federal Court Appeals

1. *Edgar v Norton Rose Fulbright Australia Services Pty Ltd* [2023] FCA 1573 (12 December 2023).
2. *DLH17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FCA 996 (22 August 2023) (Halley J)

¹¹ Unusual case where Slattery J provided detailed reasons for interlocutory injunction.

¹² This case has been cited in 2 other cases. This case is referred to in Breen Creighton & Andrew Stewart 'Labour Law', Fifth Edition.

¹³ This case has been cited in 2 other cases

¹⁴ This case has been cited in 13 other cases It also has been referred to in 'The Modern Contract of Employment', Neil and Chin and Breen Creighton & Andrew Stewart 'Labour Law', Fifth Edition.

¹⁵ This case has been cited in 11 other cases

3. *Transcon Holding Pty Ltd v Aged Care Quality and Safety Commissioner* [2023] FCAFC 60 (24 April 2023)- Detailed analysis of the Aged Care regulatory regime.
4. *D&D Traffic Management Pty Ltd v The Australian Workers' Union* [2022] FCAFC 113; (2022) 178 ALD 164. (8 July 2022) Judicial Review of Fair Work Commission decision. Analysis of definition of “shiftwork” and casual employees.
5. *Teekay Shipping (Australia) Pty Ltd v Auld* [2020] FCAFC 206 (27 November 2020) 281 FCR 174; 302 IR 235.- Judicial Review of Fair Work Commission. Industrial Law. Held: model consultation term applied to exclusion of insufficient and defective terms dealing with consultation in the enterprise agreement and modern award.
6. *Makhmudkhodjaeva v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2020] FCAFC 88; 276 FCR 196.
7. *SZQYM v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2020] FCA 779 (12 June 2020) (2020) ALD 579.- Allsop CJ, Judicial Review. North Korean refugee applicants – jurisdictional error established by reason of irrationality in consideration of expert evidence.
8. *SZUJT v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2020] FCA 612 (8 May 2020)- Constitutional writs- denial of procedural fairness established but not material.
9. *C7A/2017 v Minister for Immigration and Border Protection (No 2)* [2020] FCAFC 70 (21 April 2020) (2020) 276 FCR 147.- Refugees – suppression orders.
C7A/2017 v Minister for Immigration and Border Protection [2020] FCAFC 63 (9 April 2020)- Refugees- mother and two young children claimed to be stateless Rohingya refugees.
10. *Teekay Shipping (Australia) Pty Ltd v Auld* [2020] FCAFC 19 (11 February 2020)- Constitutional writ of mandamus issued to Fair Work Commission requiring it to render a decision in accordance with the Act.
11. *Minister for Immigration and Border Protection v CTW17* [2019] FCAFC 156 (5 September 2019) 271 FCR 173- Refugees.
12. *DVE18 v Minister for Home Affairs* [2019] FCA 1389 (30 August 2019)- Refugees.
13. *Minister for Home Affairs v Smith* [2019] FCAFC 137 (19 August 2019)- Full Court appeal by Minister unsuccessful. Jurisdictional error in Minister’s consideration of whether to cancel visa on character grounds where woman convicted of murdering husband.
14. *SZTVU v Minister for Home Affairs* [2019] FCAFC 30 (22 February 2019); 268 FCR 497. Judicial Review.
15. *FPL17 v Minister for Home Affairs* [2018] FCA 1766 (14 November 2018) Judicial Review.

16. *AYF16 v Minister for Immigration and Border Protection* [2018] FCAFC 129 (14 August 2018) 264 FCR 654 Judicial Review.
17. *BY Winddown, Inc v Vautin and Eagle Yachts* [2016] FCAFC 168, (2016) 249 FCR 262, 337 ALR 96, [2018] ALMD 1389.
18. *Milanes v Minister for Immigration and Border Protection* [2015] FCA 1105, (2015) 234 FCR 508, [2016] ALMD 1823
19. *CFMEU v Endeavour Coal* (2015) 231 FCR 150 (note special leave refused on 11 December 2015)*
20. *BZAFM v Minister for Immigration and Border Protection* [2015] FCAFC 41, (2015) 321 ALR 117
21. *SZTES v Minister for Immigration and Border Protection* [2015] FCAFC 15816
22. *SZTIB¹⁷ v Minister for Immigration and Border Protection* [2015] FCAFC 40, (2015) 321 ALR 81, 149 ALD 449, [2017] ALMD 443, [2017] ALMD 444¹⁸
23. *SZTEQ v Minister for Immigration and Border Protection* [2015] FCAFC 39; (2015) 229 FCR 497, 321 ALR 44, 145 ALD 577, [2015] ALMD 4586¹⁹
24. *SZQBN v Minister for Immigration and Border Protection* [2014] FCA 686 (27 June 2014) (Flick J) 226 FCR 68; 143 ALD 310
25. *SZGIZ v Minister for Immigration and Citizenship* (2013) 212 FCR 235; (2013) 299 ALR 246; [2013] FCAFC 71²⁰.
26. *Tran v The Commonwealth* [2009] FCA 921 (14 August 2009) (Jagot J) 111 ALD 111
27. *Kumar v Minister for Immigration and Citizenship* [2009] FCAFC 55 (21 May 2009) (Stone, Greenwood and Besanko JJ); 176 FCR 401
28. *SZMTJ v Minister for Immigration and Citizenship* (No 2) [2009] FCA 486 (15 May 2009) (Flick J) 232 FCR 282; 109 ALD 242.
29. *Transport Workers' Union of New South Wales v Australian Industrial Relations Commission* (2008) 166 FCR 108²¹; (2008) 100 ALD 453; (2008) 245 ALR 258*
30. *Grigor-Scott v Jones* (2008) 168 FCR 450; (2008) 102 ALD 1; [2008] FCAFC 14^{22*}

¹⁶ This case has been cited in 6 other cases

¹⁷ Party underlined indicates the party for whom I appeared.

¹⁸ This case has been cited in 2 other cases. This case is referred to in D C Pearce & RS Geddes 'Statutory Interpretation in Australia' Eighth Edition.

¹⁹ This case has been cited in 80 other cases

²⁰ Affirmed by the High Court in refusing the Minister's application for special leave. The Government introduced legislation to overcome the effect of the decision which was passed on 14 May 2014- *Migration Amendment Act* 2013. This case has been referred to in 86 other decisions.

²¹ This case is referred to in D C Pearce 'Statutory Interpretation in Australia', Seventh Edition.

²² This case has been cited in 13 other cases

31. *Transport Workers' Union of New South Wales v Australian Industrial Relations Commission, TNT (Australia) Pty Ltd and Riteway Transport Pty Ltd* (2008) 166 FCR 108; (2008) 245 ALR 458; (2008) 171 IR 84; (2008) 100 ALD 453; [2008] FCAFC 26^{23*}
32. *SZLHP v Minister for Immigration and Citizenship* (2008) 172 FCR 170; [2008] FCAFC 152²⁴
33. *SZLDG v Minister for Immigration and Citizenship* (2008) 166 FCR 230; (2008) 244 ALR 140; (2008) 99 ALD 550; [2008] FCA 11²⁵
34. *SZKQC v Minister for Immigration and Citizenship* (2008) 170 FCR 236; (2008) 247 ALR 657; (2008) 102 ALD 250; [2008] FCAFC 119²⁶
35. *SZGIY v Minister for Immigration and Citizenship* [2008] FCAFC 68²⁷
36. *SZITH v Minister for Immigration and Citizenship* (2008) 105 ALD 541; [2008] FCA 1866²⁸
37. *SZGUP v Minister for Immigration and Citizenship* (2008) 100 ALD 518; [2008] FCA 183
38. *SZLSW v Minister for Citizenship and Immigration* (2008) 103 ALD 580; [2008] FCA 1321²⁹
39. *Minister for Immigration and Citizenship v Applicant A125 of 2003* (2007) 163 FCR 285; (2007) 243 ALR 691; (2007) 98 ALD 246; [2007] FCAFC 162³⁰
40. *SZEOP v Minister for Immigration and Citizenship* [2007] FCA 807³¹
41. *SZEGX v Minister for Immigration and Multicultural and Indigenous Affairs* [2006] FCA 166³²
42. *SZEEU v Minister for Immigration and Multicultural and Indigenous Affairs* (2006) 150 FCR 214; (2006) 230 ALR 1; [2006] FCAFC 2³³
43. *SZEEF v Minister for Immigration & Multicultural & Indigenous Affairs* (2006) 233 ALR 331; [2006] FMCA 661³⁴
44. *NBKS v Minister for Immigration and Multicultural and Indigenous Affairs* (2006) 156 FCR 205; (2006) 237 ALR 592; 93 ALD 313; [2006] FCAFC 174³⁵

²³ This case has been cited in 45 other cases

²⁴ This case has been cited in 39 other cases

²⁵ This case has been cited in 9 other cases

²⁶ This case has been cited in 64 other cases

²⁷ This case has been cited in 61 other cases

²⁸ This case has been cited in 5 other cases

²⁹ This case has been cited in 8 other cases

³⁰ This case has been cited in 77 other cases

³¹ This case has been cited in 7 other cases

³² This case has been cited in 16 other cases

³³ This case has been cited in 689 other cases

³⁴ This case has been cited in 12 other cases

³⁵ This case has been cited in 37 other cases

45. *Minister for Immigration and Multicultural and Indigenous Affairs v SZFHC* (2006) 150 FCR 439; (2006) 231 ALR 630; [2006] FCAFC 73³⁶
46. *Hussein v Secretary, Department of Immigration and Multicultural and Indigenous Affairs* (2006) 90 ALD 285; [2006] FCA 286³⁷
47. *SZHSQ v Minister for Immigration and Multicultural Affairs* (2006) 155 FCR 159; [2006] FCA 1295³⁸
48. *Hussein v Secretary of the Department of Immigration and Multicultural Affairs* (No2) 155 FCR 304; 92 ALD 89; [2006] FCA 1263³⁹
49. *Seyfarth v Minister for Immigration and Multicultural and Indigenous Affairs* (2005) 142 FCR 580; [2005] FCAFC 105⁴⁰
50. *NAWZ v Minister for Immigration and Multicultural and Indigenous Affairs* [2004] FCAFC 199⁴¹
51. *NAUV v Minister for Immigration and Multicultural and Indigenous Affairs* (2004) 82 ALD 784; [2004] FCAFC 124.⁴²
52. *Miller v University of New South Wales* (2003) 132 FCR 147; (2003) 200 ALR 565; [2003] FCAFC 180^{43*}
53. *NAUV v Minister for Immigration and Multicultural and Indigenous Affairs* (2003) 79 ALD 149; [2003] FCA 1319⁴⁴
54. *NATB v Minister for Immigration and Multicultural and Indigenous Affairs* (2003) 133 FCR 506⁴⁵; (2003) 80 ALD 799; [2003] FCAFC 292*

Federal Court

1. *Murdock v Virgin Australia Airlines Pty Ltd (No 2)* [2023] FCA 569 (5 June 2023)- Significant decision establishing that time limits for dismissal dispute adverse action proceedings don't apply to anterior acts of adverse action.
2. *AEI Insurance Group Pty Ltd v Martin (No. 2)* [2023] FCA 277 (28 March 2023)- Restraints of Trade insurance sector.

³⁶ This case has been cited in 113 other cases

³⁷ This case has been cited in 4 other cases

³⁸ This case has been cited in 29 other cases

³⁹ This case is referred to in 'Stuarts Guide to Employment Law', third edition and Breen Creighton & Andrew Stewart 'Labour Law', Fifth Edition

⁴⁰ This case has been cited in 7 other cases

⁴¹ This case has been cited in 61 other cases

⁴² This case has been cited in 12 other cases

⁴³ This case has been cited in 101 other cases. This case is referred to in Breen Creighton & Andrew Stewart 'Labour Law', Fifth Edition

⁴⁴ This case has been cited in 11 other cases. This case is referred to in D C Pearce & RS Geddes 'Statutory Interpretation in Australia' Eighth Edition

⁴⁵ This case is referred to in D C Pearce 'Statutory Interpretation in Australia', Seventh Edition. This case has been cited in 8 other cases

3. *DJG17 v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FCA 119 (22 February 2023)- Refugee – Genuine consideration issue.
4. *CDD18 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 1283 (28 October 2022)- Refugees.
5. *Rauland Australia Pty Ltd v Johnson (No 3)* [2022] FCA 138 (21 February 2022)- Intellectual Property and restraints of trade in medical technology industry.
6. *Rauland Australia Pty Ltd v Law (No 3)* [2021] FCA 898 (3 August 2021)- Intellectual Property- Restraints of Trade- Medical technology industry.
7. *SZQKE v Minister for Immigration and Border Protection* [2021] FCA 833 (26 July 2021)- Refugee – Administrative law- Constitutional writs.
8. *BDF15 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 489 (11 May 2021)- Refugee matter – Administrative Law
9. *Rauland Australia Pty Ltd v Law (No 2)* [2020] FCA 1400 (25 September 2020)
Rauland Australia Pty Ltd v Johnson (No 2) [2019] FCA 1175 (1 August 2019)- Intellectual property – Restraint of Trade- Medical technology industry.
Rauland Australia Pty Ltd v Johnson (No 1) [2019] FCA 1174 (1 August 2019)- Intellectual property – Restraint of Trade- Medical technology industry
10. *Tomvald v Toll Transport Pty Ltd (No 2)* [2019] FCA 510 (12 April 2019)- Applicability of Concise Statement procedure.
11. *Vautin v BY Winddown, Inc. (formerly Bertram Yachts) (No 4)* [2018] FCA 426 (10 April 2018) 362 ALR 702 Consumer Law – defective hull for 74 foot motor yacht- obtained judgement for \$5,220,275.59 for distributor against manufacturer on cross claim.
12. *Shizas v Commissioner of Police* (2017) 268 IR 71*
13. *MYVC v Director-General of Security* [2015] FCA 1521 (04 May 2015) (Wigney J)
14. *Endeavour Coal Pty Ltd v Association of Professional Engineers, Scientists and Managers, Australia (Collieries' Staff Division)* [2012] FCA 764; (2012) 206 FCR 576; (2012) 290 ALR 326; (2012) 128 ALD 571; (2012) 217 IR 154.*
15. *WZARB v Minister for Immigration and Citizenship* (2013) 302 ALR 657; (2013) 136 ALD 77; [2013] FCA 523⁴⁶
16. *SZQKC v Minister for Immigration and Citizenship* (2012) 206 FCR 253; (2012) 126 ALD 245; [2012] FCA 249⁴⁷

⁴⁶ This case has been cited in 4 other cases

⁴⁷ This case has been cited in 10 other cases

17. *SZQDZ v Minister for Immigration and Citizenship* (2012) 200 FCR 207; (2012) 286 ALR 331; (2012) 126 ALD 63; [2012] FCAFC 26⁴⁸
18. *Professional Administration Service Centres Pty Ltd v Commissioner of Taxation* (2012) 295 ALR 52; [2012] FCAFC 180⁴⁹
19. *SZQDI v Minister for Immigration and Citizenship* (2012) 207 FCR 106; (2012) 131 ALD 270; [2012] FCA 932⁵⁰
20. *MZYPW v Minister for Immigration and Citizenship* (2012) 289 ALR 541; (2012) 128 ALD 520; [2012] FCAFC 99⁵¹
21. *Endeavour Coal Pty Ltd v Association of Professional Engineers, Scientists and Managers, Australia* (2012) 206 FCR 576; (2012) 290 ALR 326; (2012) 128 ALD 571; (2012) 217 IR 154; [2012] FCA 764^{52*}
22. *PPHF v Director-General of Security* (2011) 193 FCR 436; (2011) 121 ALD 473; [2011] FCAFC 70⁵³
23. *Tran v Commonwealth* (2010) 187 FCR 54; (2010) 271 ALR 1; (2010) 116 ALD 29; [2010] FCAFC 80^{54*}
24. *Minister for Immigration and Citizenship v SZNVW* (2010) 183 FCR 575; (2010) 114 ALD 666; [2010] FCAFC 41^{55*}
25. *SZMWT v Minister for Immigration and Citizenship* (2009) 109 ALD 473; [2009] FCA 559⁵⁶
26. *SZMTJ v Minister for Immigration and Citizenship (No 2)* (2009) 109 ALD 242; [2009] FCA 486⁵⁷
27. *SZHEW v Minister for Immigration and Citizenship* [2009] FCA 783⁵⁸

⁴⁸ This case has been cited in 129 other cases

⁴⁹ This case has been cited in 3 other cases

⁵⁰ This case has been cited in 1 other case

⁵¹ This case has been cited in 46 other cases

⁵² This case has been cited in 17 other cases. This case is referred to in 'Fair Work Legislation' 2014

⁵³ This case has been cited in 5 other cases

⁵⁴ This case has been cited in 17 other cases This case is referred to in D C Pearce 'Statutory Interpretation in Australia', Seventh Edition and D C Pearce & RS Geddes 'Statutory Interpretation in Australia' Eighth Edition.

⁵⁵ This case has been cited in 168 other cases

⁵⁶ This case has been cited in 5 other cases

⁵⁷ This case has been cited in 19 other cases

⁵⁸ This case has been cited in 25 other cases

28. *Kumar v Minister for Immigration and Citizenship* (2009) 176 FCR 401; (2009) 109 ALD 44; [2009] FCAFC 55⁵⁹
29. *Telstra Corporation Ltd v Todd* (2009) 183 IR 423; [2009] FCA 518⁶⁰
30. *Finance Sector Union of Australia v Commonwealth Bank of Australia* (2001) 106 IR 172; [2001] FCA 335^{61*}

Land and Environment Court

1. *Phelps and Ors v Minister Administering the Water Management Act 2000*[2024] NSWLEC 29 (05 March 2024) (Robson J)
2. *Armidale Regional Council v O'Connor* [2020] NSWLEC 77 (23 June 2020) 245 LGERA 56,- Local Government- successfully defended Councillors from proceedings brought against them by Council and CEO of Council alleging threatened breach of procedural fairness in employment matters. *Armidale Regional Council v O'Connor* (No 3) [2020] NSWLEC 56 (12 May 2020).
3. *Local Democracy Matters Inc v Minister for Local Government* [2018] NSWLEC 9 (16 February 2018) (Robson J) Counsel: S Prince (Applicant) A S Bell SC with Z C Heger (First Respondent)
4. *Millers Point Community Assoc. Incorporated v Property NSW* [2017] NSWLEC 92 (25 July 2017) (2017) 224 LGERA 407- Successfully challenged decision of Heritage Minister to refuse to consider listing the Sirius Building at the Rocks as on the Heritage Register.
5. *Tubbo Pty Ltd v Minister Administering the Water Management Act 2000* [2008] NSWCA 356, (2008) 302 ALR 299⁶²

Industrial Relations Commission

1. *Hausmeister v Willoughby Council (No 2)* [2023] NSWIRComm 1022 (17 March 2023)- Unfair Dismissal Appeal, arguable case found for COVID related unfair dismissal- appeal allowed and time for unfair dismissal extended.
2. *Public Service Association and Professional Officers Association Amalgamated Union of New South Wales v Roads and Maritime Services* [2015] NSWIRComm 16 (16 June 2015) (Walton J, President; Kite AJ; Newall C; 250 IR 412.

⁵⁹ This case has been cited in 7 other cases

⁶⁰ This case has been cited in 1 other case

⁶¹ This case has been cited in 15 other cases. This case is referred to in 'Fair Work Legislation'2014

⁶² This case has been cited in 13 other cases

3. *Port Kembla Coal Terminal Limited v Construction, Forestry, Mining and Energy Union (New South Wales Branch) (No 2)* (2014) 88 NSWLR 471; [2014] NSWIC 3
4. *Re Crown Employees (Public Sector - Salaries 2011) Award (No 3)* (2011) 210 IR 458; [2011] NSWIRComm 104⁶³
5. *Public Service Association and Professional Officers' Association Amalgamated Union of NSW v Director of Public Employment* [2011] NSWIRComm 143 (31 October 2011) (Walton, Vice-President, Kavanagh and Backman JJ).
6. *Lowe v BEA Systems Pty Ltd* (2008) 180 IR 212; [2008] NSWIRComm 220^{64*}
7. *Linda Iris Neeson v Amora Company Ltd* [2008] NSWIRComm 71 (18 April 2008) (Boland J President; Walton J Vice-President; Schmidt J) 172 IR 228
8. *Construction, Forestry, Mining and Energy Union (New South Wales Branch) v Port Kembla Coal Terminal Ltd* (2007) 169 IR 141; [2007] NSWIRComm 296^{65*}
9. *United KFPW v National Union of Workers, New South Wales Branch* (2006) 158 IR 336; [2006] NSWIRComm 391^{66*}
10. *Crewdson v Director General NSW Department of Ageing Disability and Home Care/Department of Community Services (No 12)* [2005] NSWIRComm 426 (11 November 2005); 148 IR 194
11. *New South Wales Fire Brigade Employees Union v the Crown in the Right of NSW (NSW Fire Brigades)* [2004] NSWIRComm 285 (24 September 2004); 136 IR 320
12. *Inspector Ian Batty v Graincorp Operations Ltd* [2002] NSWIRComm 49^{67*}

Fair Work Commission

1. *Australian Nursing and Midwifery Federation v Achieve Australia Limited* [2021] FWC 6188 (22 October 2021)- Successful challenge to jurisdiction of Fair Work Commission and applicability of Copied State Award.
2. *Martin Bajelis v Reserve Bank of Australia* [2020] FWC 3740 (16 July 2020) (2020) 299 IR 1.- acted for the Reserve Bank in resisting unfair dismissal application by employee who had been dismissed for alleged racist comments on What's App platform.
3. *Transport Workers' Union of Australia v Toll Transport Pty Ltd t/a Toll Transport; Toll Personnel Pty Ltd t/a Toll People* [2020] FWC 9 (17 January 2020)- Interpretation of Award re Casual employee entitlements.

⁶³ This case has been cited in 11 other cases

⁶⁴ This case has been cited in 1 other case

⁶⁵ This case has been cited in 5 other cases

⁶⁶ This case has been cited in 3 other cases

⁶⁷ This case has been cited in 18 other cases

4. *Endeavour Coal Pty Ltd v Association of Professional Engineers, Scientists and Managers, Australia (Collieries' Staff Division)* [2012] FWAFB 1891; (2012) 217 IR 131⁶⁸

NCAT / AAT

1. *LMYC and Minister for Immigration, Citizenship and Multicultural Affairs (Migration)* [2023] AATA 1807 (26 May 2023) (N A Manetta SM)
2. *Larter v Paramedicine Council of NSW* [2023] NSWCATOD 12 (8 February 2023)- *Larter v Paramedicine Council of NSW (No 2)* [2023] NSWCATOD 13 (8 February 2023) - Conditions imposed by Council on registration of Paramedic by reason of public comments on COVID vaccination quashed- suspension of Paramedic quashed.
3. *Mack v Council of the New South Wales Bar Association* [2020] NSWCATOD 95 (25 August 2020)- Application for re-issue of practicing certificate for barrister.
4. *Bungree Aboriginal Association Limited v NSW Registrar of Community Housing* [2019] NSWCATAD 268 (24 December 2019)- Administrative Law review of cancellation of registration of Aboriginal Community Housing Association. Nature of appeal. Ultimately decision to cancel registration was reversed.
5. *Lingvist v Nursing and Midwifery Board of Australia* [2019] NSWCATOD 185 (4 December 2019)- Nurse disciplinary proceedings.
6. *Legal Services Commissioner v Livers* [2019] NSWCATOD 180 (27 November 2019)- Solicitor disciplinary proceedings.
7. *Bungree Aboriginal Association Limited v NSW Registrar of Community Housing* [2019] NSWCATAD 61 (15 April 2019)
8. *Council of the New South Wales Bar Association v Lott* [2018] NSWCATOD 99 (28 June 2018)- Professional discipline barrister. Dismissed most serious charges of unprofessional conduct- reprimand only.
9. *PPHF, VGZS and BYRH and Director-General of Security, Re* (2010) 119 ALD 407; [2010] AATA 1020^{69*}
10. *NW v New South Wales Fire Brigades (No 2)* [2006] NSWADT 61⁷⁰

Coronial

1. Masoumali, Omid (2016/1752) [2021] QldCorC 69 (1 November 2021)- Coronial Inquest into death of refugee who died from injuries following self-immolation. Significant media interest into conditions of offshore refugee conditions on Nauru and

⁶⁸ This case has been cited in 17 other cases. This case is referred to in 'Fair Work Legislation' 2014

⁶⁹ This case has been cited in 2 other cases

⁷⁰ This case has been cited in 14 other cases

significant medical evidence through cross examination about inadequacy of hospital conditions.

2. FIRE AT SPRINGWOOD AND MT VICTORIA; Inquiry into the Fire at Springwood NSW 17 October 2013, And the Fire at Mt Victoria NSW 17 October 2013 [2018] NSWCORC 30 (23 May 2018)- appeared for NSW Fire Brigades to assist coroner in relations to Springwood and Mt Victoria bush fires.

Federal Circuit Court

1. *Lim v Flinders University of South Australia (No 2)* [2021] FCCA 614 (31 March 2021)- Adverse Action- Intellectual Property and claims for Academic Freedom. Successfully defended University and eminent Medical School academics.
2. *BIX18 & Ors v Minister for Immigration & Anor* [2020] FCCA 505 (2 April 2020) 351 FLR 205- Jurisdictional error- decision vitiated in its entirety.
3. *SZTVU v Minister for Home Affairs & Anor* [2018] FCCA 1962 (19 July 2018)
4. *Ashurov v Minister for Immigration* [2015] FCCA 1521; 297 FLR 267
5. *SZGIZ v Minister for Immigration and Citizenship*; (2013) 281 FLR 459; [2013] FMCA 215⁷¹

⁷¹ This case has been cited in 9 other cases