

# Perry Herzfeld

## 1. Professional Details

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**Admitted to practice:** 26 April 2006

**Signed Victorian Bar Roll:** 19 November 2009

**Qualifications:** BSc LLB (Hons) (Melb) LLM (Melb)

**Other legal positions:** Reporter for the *Commonwealth Law Reports* (from 2010)  
Editor (Australia) *Conflictoflaws.net* (from 2007)

## 2. Contact Details

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**Chambers:** Room 3803, Ninian Stephen Chambers  
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Owen Dixon Chambers  
205 William Street  
MELBOURNE VIC 3000  
03 9225 7999

## 3. Previous Legal Positions

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**2008–2009** Associate to the Honourable Justice Susan Crennan AC, High Court of Australia

**2005–2008** Allens Arthur Robinson, Articled Clerk (2005–2006), Lawyer (2006–2008)

**2004** Property Law Tutor, Newman College, Melbourne University

**2003–2004** Property Law Tutor, Melbourne University Law Students' Society

**2001–2004** *Melbourne University Law Review*, General Member (2001–2002), Case Note Editor (2003–2004)

## 4. Publications

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Laws of Australia, *Interpretation* — ‘Domestic Laws’ and ‘Judicial Statements’, forthcoming.

‘Questions of Proof in Insurance Law: *Wallaby Grip Ltd v QBE Insurance (Australia) Ltd*’ *Law Institute Journal*, forthcoming.

‘Limitation of Actions and Price-Fixing Cartels’ (2010) 84 *Australian Law Journal* 254

‘Still a Troublesome Area: Legislative and Common Law Restrictions on Indemnity and Insurance Arrangements Effected by Companies on Behalf of Officers and Employees’ (2009) 27 *Company and Securities Law Journal* 267

‘Prudent Anticipation? The Arbitration of Public Company Shareholder Disputes’ (2008) 24 *Arbitration International* 297

‘Corporations, Defamation and General Damages: Back to First Principles’ (2005) 10 *Media & Arts Law Review* 135

‘Constitutional Limitations on State Choice of Law Statutes’ (2005) 16 *Public Law Review* 188

## 5. Education

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**Post-graduate:** LLM (Melb) (completed March 2011, awaiting conferral)

**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

**Debating:** World Debating Championships (2003) — Runner-up, Fourth ranked speaker

AustralAsian Debating Championships (2002) — Winner, Eighth ranked speaker

**Mooting:** Governor General’s Moot (2003, 2004) — Winner, Best Counsel

Melbourne University Senior Mooting Competition (2003) — Winner

## 6. Selected cases

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### High Court

*Betfair Pty Ltd v Racing New South Wales*, S116/2011; *Sportsbet Pty Ltd v New South Wales*, S118/2011 (forthcoming) — constitutional law, with Stephen McLeish SC and Stephen Donaghue for the Attorney-General for Victoria (intervening)

*Hogan v Hinch* [2011] HCA 4; (2011) 85 ALJR 398 — constitutional law, with Gavin Silbert SC and Brett Sonnet for the informant, Hogan

*Plaintiff M61/2010E v The Commonwealth; Plaintiff M69 of 2010 v The Commonwealth* [2010] HCA 41; (2010) 85 ALJR 133; 272 ALR 14 — constitutional and administrative law, with Stephen McLeish SC and Lisa DeFerrari for Plaintiff M69

*Dickson v The Queen* [2010] HCA 30; (2010) 84 ALJR 635; 270 ALR 1 — constitutional law, with Tom Danos for the appellant

### Federal Court

*Sportsbet Pty Ltd v Victoria*, VID808/2010 (reserved April 2011) — constitutional law, with Stephen McLeish SC and Stephen Donaghue for the first and second respondents, the State of Victoria and the Victorian Commission for Gambling Regulation

*Sportsbet Pty Ltd v Harness Racing Victoria*, NTD9/2009 (trial adjourned part heard March 2011 to August 2011) — constitutional law, with Stephen McLeish SC and Stephen Donaghue for the second respondent, the State of Victoria

*Sportsbet Pty Ltd v Harness Racing Victoria (No 4)* [2011] FCA 196 — public interest immunity, parliamentary privilege, with Stephen McLeish SC for the second respondent, the State of Victoria.

*AWB Ltd v ASIC*, VID512/2009 (settled after trial March 2010) — legal professional privilege, issue estoppel, abuse of process, estoppel, with Sue McNicol and Kristen Walker for the applicant

### Victorian Court of Appeal

*John Holland Group Pty Ltd v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union*, S APCI 2010 0107 (forthcoming) — contract and constitutional law, with Michael Wyles SC for the appellant

## **Supreme Court of Victoria**

*Koutroulis v Transport Accident Commission* [2011] VSC 159 — transport accidents, appeal on error of law, with Philip Solomon SC for the respondent

*Qantas Airways Ltd v Portelli* [2011] VSC 162 — legal professional privilege, appeal on error of law, with Sue McNicol for the appellant

*CCPI Holdings Pty Ltd v Hose* [2011] VSC 34 — approval of compulsory acquisition of shares, unled for the applicant

*Melbourne Storm Rugby League Club Ltd v National Rugby League Ltd*, S CI 2010 2611 (settled before trial July 2010) — rugby league rules, contract, estoppel, election, with Mark Moshinsky SC for the third party, Valimanda Pty Ltd

## **Supreme Court of Tasmania**

*Reynolds v Tasmanian Heritage Council* [2011] TASC 6 — administrative law, racial discrimination, with Peter Tree SC for the applicants

## **Magistrates' Court of Victoria**

*Director of Consumer Affairs Victoria v Stockdale & Leggo (Craigieburn / Roxburgh Park) Pty Ltd*, A10467221 (decided May 2010) — civil penalties, unled for the respondent

*Anderson v Randall*, Y02471114 (decided April 2010) — debt, unled for the plaintiff

*David G Parsons Pty Ltd v Blueprint Creations Pty Ltd*, Y020990 (decided March 2010) — debt, unled for the plaintiff

## **Administrative Appeals Tribunal**

*Collection Point Pty Ltd v Commissioner of Taxation*, 3828/2010 (forthcoming hearing) — freedom of information, unled for the applicant

## **Victorian Civil and Administrative Tribunal**

*Holder v Wiltshire*, D259/2009 (decided April 2010) — domestic building, unled for the applicants

*OBC Interiors Pty Ltd v Papadopoulos*, C1139/2009 (decided March 2010) — construction, unled for the applicant