

# 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>Other legal positions:</b>	Editor, <i>New South Wales Law Reports</i> (2022– ) Fellow, Australian Academy of Law (2022– )
<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, <i>Commonwealth Law Reports</i> (2010–16)

## Contact details

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## 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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*Nygh's Conflict of Laws in Australia* (11th ed, 2026, LexisNexis) (with Martin Davies, Andrew Bell and Michael Douglas)

*Interpretation* (3rd ed, 2024, Thomson Reuters) (with Thomas Prince)

“Injunctions in Public Law” in John Griffiths and James Stellios, *Issues in Australian Constitutional Law: Tributes to Professor Leslie Zines — Volume 2* (2024, Federation Press)

“Statutory Interpretation from *Visy* to Today” in Stephen Puttick and Michael Gvozdenovic (eds), *Current Issues in Competition Law: Volume I* (2021, Federation Press)

*Statutory Interpretation Principles* (2nd ed, 2021, Thomson Reuters) (with Thomas Prince)

## Recent cases

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### Appellate

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*EFG v Secretary, Department of Communities and Justice* [2025] NSWCA 245 — judicial review, statutory interpretation, for the respondent

*Farmer v Minister for Home Affairs* (2025) 99 ALJR 1408; 425 ALR 116; [2025] HCA 38 — constitutional law, for the plaintiff

*Pharmacy Platform Pty Ltd v Millichamp* [2025] NSWCA 213 — deed construction, for the appellant

*New South Wales v Culhane* (2025) 342 IR 302; [2025] NSWCA 157 — workers' compensation, appellate standard, for the appellant

*Levitt v Luke in his capacity as the co-executor of the estate of Luke (deceased)* [2025] FCAFC 79 — class actions, settlement distribution, for the appellant

*Spall v Minister for Home Affairs* (2025) 309 FCR 460; [2025] FCAFC 75 — statutory construction, citizenship, for the respondent

*Dougan v Mann* [2025] NSWCA 109 — judicial review, sentencing, for the applicant

*Lambourne v Mamau*, Kiribati Court of Appeal, 1 May 2025 — Kiribati constitutional law, for the appellant

*Allianz Australia Insurance Ltd v Abawi* [2025] NSWCA 85 — statutory construction, motor accidents, for the appellant

*Hassan v Minister for Home Affairs* (2025) 309 FCR 44; [2025] FCAFC 57 — negligence, migration, for the respondents

*Insurance Australia Ltd t/as CGU Insurance v Capral Ltd* (2025) 309 FCR 385; [2025] FCAFC 46 — insurance, property damage, for the appellant

*AIX20 v Director-General of Security* [2025] FCAFC 38 — public interest immunity, national security, for the respondents

*Deripaska v Minister for Foreign Affairs* (2025) 308 FCR 175; [2025] FCAFC 36 — constitutional law, judicial review, sanctions, for the respondent

*Bogan v The Estate of Peter John Smedley (Deceased)* (2025) 99 ALJR 619; 422 ALR 94; [2025] HCA 7 — class actions, cross-vesting, group costs orders, for KPMG

*Minister for Immigration and Multicultural Affairs v MZAPC* (2025) 99 ALJR 486; 421 ALR 483; [2025] HCA 5 — injunctions, statutory construction, for the appellant

*Queensland v Stradford* (2025) 99 ALJR 396; 421 ALR 376; [2025] HCA 3 — judicial immunity, executing officer immunity, for the respondent

*McTye v Chang* (2025) 108 MVR 372; [2025] NSWCA 3 — statutory construction, motor accidents, for the appellant

*Commissioner of NSW Police v Murphy* [2024] NSWCA 311 — judicial review, statutory construction, for the appellant

*Elisha v Vision Australia Ltd* (2024) 99 ALJR 171; 421 ALR 184; [2024] HCA 50 — breach of contract, employment, damages, for the appellant

*Kramer v Stone* (2024) 99 ALJR 126; 421 ALR 106; [2024] HCA 48 — proprietary estoppel, for the respondent

*Imad v Director-General of Security* (2024) 305 FCR 523; [2024] FCAFC 138 — judicial review, public interest immunity, national security, for the respondent

*Boyjonaath v Minister for Immigration and Multicultural Affairs* (2024) 305 FCR 152; [2024] FCAFC 130 — judicial review, statutory construction, for the appellant

*Gehlert v Minister for Immigration and Multicultural Affairs* (2024) 305 FCR 172; [2024] FCAFC 129 — statutory construction, for the respondent

*Indara Inbuilding Solutions Pty Ltd v Australian Communications and Media Authority* [2024] FCAFC 117 — telecommunications, judicial review, statutory interpretation, for the respondent

*Carbone v Fowler Homes Pty Ltd* (2024) 40 BCL 315; [2024] NSWCA 192 — contract, building and construction, for the appellants

*Coca-Cola Europacific Partners API Pty Ltd v Pombinho* [2024] NSWCA 191 — workers' compensation, judicial review, for the appellant

*EMJ18 v Secretary, Department of Home Affairs* (2024) 303 FCR 308; [2024] FCAFC 87 — freedom of information, statutory construction, for the respondent

*Boyle v DPP (Cth)* (2024) 387 FLR 389; 332 IR 205; [2024] SASCA 73 — public interest disclosure, statutory construction, for the Human Rights Law Centre

*Greylag Goose Leasing 1410 Designated Activity Company v PT Garuda Indonesia Ltd* (2024) 98 ALJR 828; 418 ALR 475; [2024] HCA 21 — private international law, foreign state immunity, statutory construction, for the appellant

*CCU21 v Minister for Home Affairs* (2024) 303 FCR 350; [2024] FCAFC 69 — judicial review, migration, peremptory mandamus, for the respondent

*Haddad v GEO Group Australia Pty Ltd* (2024) 114 NSWLR 407; [2024] NSWCA 135 — workers' compensation, statutory construction, for the respondent

*QBT Pty Ltd v Wilson* [2024] NSWCA 114 — contract, construction, implied terms, for the appellant

*Miller v Minister for Immigration, Citizenship and Multicultural Affairs* (2024) 278 CLR 628; [2024] HCA 13 — judicial review, statutory construction, for the appellant

*Minister for Immigration, Citizenship and Multicultural Affairs v McQueen* (2024) 98 ALJR 594; 418 ALR 133; [2024] HCA 11 — judicial review, migration, for the applicant

*Brotherhood of St Laurence v Sarina Investments Pty Ltd* (2024) 76 VR 247; [2024] VSCA 46 — contract, lease, construction, repudiation, for the appellant

*Secretary, Department of Communities and Justice v Stewart* [2024] NSWCA 59 — workers' compensation, statutory construction, for the appellant

*Minister for Immigration, Citizenship and Multicultural Affairs v MZAPC* (2024) 302 FCR 159; [2024] FCAFC 34 — judicial review, migration, injunctions, for the appellant

*Minister for Home Affairs v BRO18* (2024) 302 FCR 259; [2024] FCAFC 27 — judicial review, migration, for the appellant

*Fisher v Nonconformist Pty Ltd* (2024) 114 NSWLR 1; [2024] NSWCA 32 — workers' compensation, causation, for the respondent

*CEU22 v Minister for Home Affairs* (2024) 301 FCR 578; [2024] FCAFC 11 — constitutional law, judicial review, migration, for the respondent

*Collaery v The Queen (No 4)* [2023] ACTCA 47 — national security, for the Attorney-General (Cth)

*Commissioner of Police v Ritson* [2023] NSWCA 30 — privacy, statutory construction, for the applicant

*Hartley v Commissioner of the Australian Federal Police* [2023] FCAFC 197 — search warrants, for the respondent

*NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs* (2023) 280 CLR 137; [2023] HCA 37 — constitutional law, for the defendants (with Stephen Donaghue KC)

*GLJ v The Trustees of the Roman Catholic Church for the Diocese of Lismore* (2023) 280 CLR 442; [2023] HCA 32 — torts, historic child sexual abuse, permanent stay, appellate standard, for the appellant

*Bogan v Estate of Smedley (deceased)* (2023) 72 VR 394; [2023] VSCA 256 — class actions, cross-vesting, group costs orders, for KPMG

*Vanderstock v Victoria* (2023) 279 CLR 333; [2023] HCA 30 — constitutional law, for the Australian Trucking Association as *amicus curiae*

*Care A2 Plus Pty Ltd v Gensco Laboratories, LLC* [2023] FCA 1246 — private international law, anti-suit injunctions, leave to appeal, for the applicant

*Independent Liquor and Gaming Authority v Whitebull HTL Pty Ltd* [2023] NSWCA 224 — judicial review, statutory construction, gambling, for the appellant

*Aerotropolis Pty Ltd v Secretary, Department of Planning and Environment* (2023) 256 LGERA 69; [2023] NSWCCA 195 — environmental prosecution, limitation period, statutory construction, for the appellant

*Moore v Commonwealth Director of Public Prosecutions* (2023) 378 FLR 391; [2023] NSWCA 153 — crime, jurisdiction, statutory construction, for the respondent

*R v AB* (2023) 309 A Crim R 176; [2023] NSWCCA 168 — crime, foreign bribery, statutory construction, for the applicant

*CCU21 v Minister for Home Affairs* (2023) 297 FCR 503; [2023] FCAFC 87 — judicial review, migration, for the respondent

*Minister for Immigration, Citizenship and Multicultural Affairs v SZRWS* (2023) 297 FCR 589; [2023] FCAFC 83 — statutory construction, migration, for the appellant

*Chief Commissioner of State Revenue v Shell Energy Operations No 2 Pty Ltd* (2023) 116 ATR 337; [2023] NSWCA 113 — taxation, duties, for the respondent

*DFO19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2023) 296 FCR 204; [2023] FCAFC 38 — judicial review, migration, for the respondent

*Director-General of Security v Plaintiff S111A/2018* (2023) 296 FCR 639; [2023] FCAFC 33 — judicial review, national security, for the appellant

*DMH20 v Minister for Home Affairs* (2023) 296 FCR 256; [2023] FCAFC 31 — constitutional law, migration, for the respondent

*Attorney General (NSW) v FJG* (2023) 111 NSWLR 105; [2023] NSWCA 34 — statutory construction, constitutional law, for the plaintiff

*Galati v Deans* [2023] NSWCA 13 — equity, resulting trust, common intention constructive trust, for the appellant

*Hays & Department of Communities and Justice* [2023] FedCFamC1A 3 — international child abduction, for the Independent Children’s Lawyer

### **First instance**

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*Illawarra Basketball Club Pty Ltd v National Basketball League Pty Ltd* [2025] NSWSC 1111 — international arbitration, preliminary discovery, for the defendant

*Chukwuma v Minister for Immigration and Multicultural Affairs* [2025] FCA 1302 — judicial review, migration, for the respondent

*O’Shea Bookmaking Pty Ltd t/as TexBet v Argeres* [2025] NSWSC 1137 — gambling offences, statutory construction, territorial nexus, for the appellant

*Bradlow v Australian Electoral Commissioner* [2025] FCA 1172 — maximum costs order, for the Commonwealth

*FX Group Holdings Pty Ltd v Perpetual Trustee Go Ltd as trustee of the CPEC 8 Trust A (formerly the CHAMP IV Trust A) (No 3)* [2025] NSWSC 1055 — contract construction, rectification, for the defendants/cross-claimants.

*Whitehaven Coal Mining Ltd v Chief Commissioner of State Revenue* [2025] NSWSC 488 — taxation, duties, for the defendant

*Coughlan v Monash Health* [2025] VSC 52 — tort, historic forced adoption, separate question, for the Catholic Archdiocese of Melbourne

*JLW24 v Minister for Immigration and Multicultural Affairs* (2024) 307 FCR 84; [2024] FCA 1319 — judicial review, national security, for the Director-General of Security

*Seadragon Offshore Wind Pty Ltd v Minister for Climate Change and Energy* (2024) 306 FCR 69; [2024] FCA 1290 — judicial review, statutory construction, for the respondent

*AIX20 v Director-General of Security (No 2)* [2024] FCA 1130 — public interest immunity, national security, for the respondents

*Spall v Minister for Home Affairs* [2024] FCA 849 — statutory construction, citizenship, for the respondent

*Maules Creek Community Council Inc v Environment Protection Authority* (2024) 262 LGERA 350; [2024] NSWLEC 71 — judicial review, environmental law, for Maules Creek Coal Pty Ltd

*Capral Ltd v Insurance Australia Ltd t/as CGU Insurance* (2024) 23 ANZ Insurance Cases 62-397; [2024] FCA 775 — insurance, property damage, for the respondent

*New South Wales Nurses and Midwives' Association v New South Wales* [2024] NSWSC 636 — industrial law, award construction, for the defendant

*Minister for Immigration, Citizenship and Multicultural Affairs v Pulini* [2024] FCA 541 — judicial review, citizenship, for the appellant

*Hassan (formerly described under the pseudonym AFX21) v Minister for Home Affairs* [2024] FCA 527 — negligence, migration, for the respondent

*Tigers Realm Coal Ltd v The Commonwealth* (2024) 302 FCR 567; [2024] FCA 340 — sanctions, statutory construction, for the respondent

*Deripaska v Minister for Foreign Affairs* [2024] FCA 62 — constitutional law, judicial review, sanctions, for the respondent



*AIX20 v Director-General of Security* [2023] FCA 1344 — torts, judicial review, national security, summary dismissal, for the respondent

*ARU17 v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FCA 1275 — judicial review, migration, joinder, interrogatories, for the respondent

*Abramov v Minister for Foreign Affairs (No 2)* (2023) 183 ALD 231; [2023] FCA 1099 — judicial review, sanctions, for the respondent

*Stradford (a pseudonym) v Judge Vasta* [2023] FCA 1020 — torts, false imprisonment, judicial immunity, liability of police, for the applicant

*Racing New South Wales v Racing Victoria Limited (No 2)* [2023] NSWSC 576 — preliminary discovery, for Racing Queensland Board

*Tabcorp Holdings Ltd v Entain Group Pty Ltd* [2023] NSWSC 220 — preliminary discovery, for the first defendant

*In the matter of Vinidici Rushcutters Bay Pty Ltd – Vinidici Rushcutters Bay Pty Ltd v Zhang* [2023] NSWSC 151 — deceit, misleading conduct, for the plaintiff