Perry Herzfeld SC

Professional details

Admitted to practice:	26 April 2006
Bar admission:	19 November 2009 (Vic); 1 July 2013 (NSW)
Appointed Senior Counsel:	30 September 2020
Qualifications:	BSc LLB (Hons) (Melb) LLM (Melb)
Other legal positions:	Editor, *New South Wales Law Reports* (2022–)
	Fellow, Australian Academy of Law (2022–)
Previous legal positions:	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, *Commonwealth Law Reports* (2010–16)

Contact details

Chambers:	Eleven Wentworth Chambers Level 11, 174–180 Phillip Street SYDNEY NSW 2000
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Melbourne clerk:	John Dever (List D) Owen Dixon Chambers 205 William Street MELBOURNE VIC 3000 03 9225 7999

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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

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

Appellate

FX Group Holdings Pty Ltd v Perpetual Trustee Company Ltd as trustee of the CPEC 8 Trust A (formerly the CHAMP IV Trust A) [2026] NSWCA 218 — corporations, directors' duties, capital retention, for the active respondents

Chukwuma v Assistant Minister for Citizenship and Multicultural Affairs (2026) 318 FCR 242; [2026] FCAFC 121 — judicial review, migration, for the respondent

New South Wales Aboriginal Land Council v Minister Administering the Crown Land Management Act [2026] NSWCA 183 — Aboriginal land rights, native title, for the respondent

Illawarra Basketball Club Pty Ltd v National Basketball League Pty Ltd [2026] NSWCA 182 — arbitration, covenant not to sue, for the respondent

Hanson v Faruqi (2026) 317 FCR 266; [2026] FCAFC 96 — constitutional law, racial discrimination, for the appellant

Bishop v Qantas Airways Ltd [2026] NSWCA 93 — workers' compensation, statutory construction, for the respondent

Financialstrategy.com.au Pty Ltd (in liq) v Bailey Roberts Group Pty Ltd (in liq) [2026] NSWCA 74 — oppression, damages, for the appellant

Harlow & Harlow (2026) 401 FLR 445; [2026] FedCFamC1A 67 — family law, procedure, joinder, leave to appeal, for the first respondent

Minister for Immigration and Citizenship v Singh (2026) 315 FCR 400; [2026] FCAFC 42 — migration, statutory interpretation, for the appellant

AA v The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle (2026) 100 ALJR 170; 427 ALR 67; [2026] HCA 2 — torts, non-delegable duty, historic child sexual abuse, for the appellant

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 Culhana (2025) 117 NSWLR 448; [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

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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) 117 NSWLR 355; [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) 284 CLR 469; [2024] HCA 50 — breach of contract, employment, damages, for the appellant

Kramer v Stone (2024) 281 CLR 484; [2024] HCA 48 — proprietary estoppel, for the respondent

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

Boyjonauth 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) 145 SASR 354; [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) 282 CLR 341; [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) 282 CLR 1; [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

LFB Resources NL v Minister for the Environment and Water (No 3) [2026] FCA 1504 — judicial review, Aboriginal heritage, for the applicant

Duncan v Minister for Aboriginal Affairs and Treaty [2026] NSWSC 1081 — judicial review, *ex gratia* scheme, for the defendant

X Corp v eSafety Commissioner [2026] FCA 1123 — statutory construction, online safety, for the applicant

Brickworks Ltd v Wright [2026] NSWSC 554 — workers' compensation, judicial review, for the plaintiff

eSafety Commissioner v X Corp (Civil Penalty) [2026] FCA 629 — civil penalties, online safety, for the respondent

City of Parramatta Council v Transport for NSW [2026] NSWSC 294 — judicial review, compulsory acquisition of land, for the defendant

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 lV 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