

Stephen Lloyd SC

Curriculum Vitae

Contact Details

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Experience as a legal practitioner

At the Bar

Since 1998, I have practised at the NSW Bar primarily in the public law field, including administrative law, judicial review, constitutional law, taxation law, international law, customs and anti-dumping law, broadcasting and communications law, migration law, energy law and regulation, environmental law, extradition law, native title and land law, human rights law, health law, and regulatory enforcement matters.

I was appointed to be Senior Counsel in 2008.

I have appeared before the Full Court of the High Court in over 50 proceedings, concerning *inter alia* constitutional law, judicial review, migration law, international law, extradition law and native title law:

- *Plaintiff 195/2016 v Minister for Immigration and Border Protection* (2017) - Migration Law
- *SZTAL v Minister for Immigration and Border Protection* (2017) - International Law - Migration Law

- *Minister for Immigration and Border Protection v SZSSJ; Minister for Immigration and Border Protection v SZTZI* (2016) – Jurisdiction – Procedural Fairness – Migration Law
- *Wei v Minister for Immigration and Border Protection* (2015) – Judicial Review – Migration Law
- *PT Bayan Resources TBK v BCBC Singapore Pte Ltd* (2015) – Freezing Orders
- *State of Queensland v Congoo & Others* (2014) – Native Title
- *Plaintiff S297-2013 v Minister for Immigration and Border Protection* (2014) – Enforcement proceeding
- *Minister for Immigration and Border Protection v SZSCA* (2014) – Refugee Law – International Law
- *Plaintiff S4-2014 v Minister for Immigration and Border Protection* (2014) – Migration Law
- *Plaintiff S297-2013 v Minister for Immigration and Border Protection* (2014) – Migration Law
- *Minister for Justice v Adamas* (2013) – Extradition Law
- *Li v Chief of Army* (2013) – Military Discipline – Offences
- *Daly v Thiering* (2013) – Claim under statutory compensation scheme – Insurance – Statutory Construction
- *Tahiri v Minister for Immigration & Citizenship* (2012) – Judicial review – Migration Law
- *JTI International SA v Commonwealth; British American Tobacco Australasia Ltd v Commonwealth* (2012) – Constitutional Law – Acquisition of Property – Tobacco Packaging
- *Plaintiff S10 and others v Minister for Immigration and Citizenship* (2012) – Judicial Review – Migration Law
- *Minister for Home Affairs v Zentai* (2012) – Extradition Law – International Law
- *Shahi v Minister for Immigration and Citizenship* (2011) – Judicial Review – Migration Law
- *Phonographic Performance Company of Australia v Commonwealth of Australia* (2011) – Constitutional Law – Acquisition of Property – Intellectual Property
- *Jemena Gas Networks (NSW) Ltd v Mine Subsidence Board* (2011) – Statutory Construction
- *Minister for Immigration and Citizenship v SZGUR* (2011) – Judicial review – Migration Law
- *Edwards v Santos* (2010) – Native Title

- *Saeed v Minister for Immigration and Citizenship* (2010) – Constitutional Law – Procedural Fairness
- *Berenguel v Minister for Immigration and Citizenship* (2010)– Judicial Review – Migration law
- *Minister for Immigration and Citizenship v SZLFX* (2009) – Judicial Review – Migration Law
- *Minister for Immigration and Citizenship v SZKTI* (2009) – Judicial Review – Migration Law
- *Lane v Morrison* (2009) – Constitutional Law – Military Justice
- *Pape v The Commonwealth* (2009) – Constitutional Law – Validity of Tax Bonus Act
- *Wurridjal v The Commonwealth* (2008) – Constitutional Law – Acquisition of Property – Land Rights
- *Gedeon v NSW Crime Commission* (2008) – Controlled Operations – Administrative Law
- *Shi v Migration Agents Registration Authority* (2008) – Professional Discipline
- *Griffith v Northern Territory* (2008) – Acquisition of Property – Native Title
- *East Australian Pipeline Ltd v Australian Competition and Consumer Commission* (2007) – Trade Practices
- *White v Director of Military Prosecutions* (2007) – Constitutional Law – Military Justice
- *Bodruddaza v Minister for Immigration and Multicultural Affairs* (2007) – Constitutional Law – Migration Law
- *NSW v The Commonwealth* (the Work Choices Case) (2006) – Industrial Relations – Constitutional Law
- *SZBEL v Minister for Immigration and Multicultural Affairs* (2006) – Judicial Review
- *Minister for Immigration and Multicultural Affairs v QAAH* (2006) – International Law – Judicial Review
- *NBGM v Minister for Immigration and Multicultural Affairs* (2006) – International Law – Judicial Review
- *Combet v The Commonwealth* (2005) – Constitutional Law
- *NABD v Minister for Immigration and Multicultural Affairs* (2005) – Judicial Review
- *NAGV v Minister for Immigration and Multicultural Affairs* (2005)– International Law – Refugee Law
- *Re Aird; ex parte Alpert* (2004) – Constitutional Law – Military Justice

- *Minister for Immigration and Multicultural Affairs v SGLB* (2004)- Judicial Review
- *Minister for Immigration and Multicultural Affairs v Respondents S152/2003* (2004) - International Law - Refugee Law
- *Appellant S395/2002 v Minister for Immigration and Multicultural Affairs* (2003)- Judicial Review - Refugee Law
- *S154 v Minister for Immigration and Multicultural Affairs* (2003) - Natural Justice - Judicial Review
- *Oates v Attorney-General (Cth)* (2003) - International Law - Extradition
- *Plaintiff S157 v The Commonwealth* (2003) - Constitutional Law - Judicial Review
- *Wilson v Anderson* (2002) - Native Title
- *Minister for Immigration and Multicultural Affairs v Rajamanikkam* (2002) - Judicial Review
- *Minister for Immigration and Multicultural Affairs v Singh* (2002)- International Law - Refugee Law
- *Commonwealth v Yarmirr* (2001) - Native Title
- *Residual Assco Group v Spalvins* (2000) - Constitutional Law

In addition, I have appeared before the High Court on over 100 other occasions (including special leave applications and applications in the court's original jurisdiction).

I have appeared before the Federal Court in over 300 cases in a wide range of public law matters. Over forty of these cases have been reported in the Federal Court Reports.

I have also appeared in the following jurisdictions: New South Wales Court of Appeal; New South Wales Supreme Court; New South Wales Industrial Court; Federal Circuit Court; Queensland Supreme Court; Western Australian Court of Appeal; Administrative Appeals Tribunal; Administrative Decisions Tribunal; and the Australian Competition Tribunal.

Before the Bar

- 1997-98 Co-head of the Constitutional and Native Title Unit, Office of Litigation, Attorney-General's Department (Cth)
- 1994-96 Minister-Counsellor (Legal), Washington, DC, representing Attorney-General's Department
- 1993-94 Secretary, Access to Justice Advisory Committee
- 1992-93 Director of Research, Administrative Review Council
- 1990-92 Deputy Director of Research, Administrative Review Council
- 1990 Senior Legal Officer, Business Affairs Division, Attorney-General's Department
- 1989-90 Legal Adviser, Inter-State Commission
- 1988-89 Legal Officer, Australian Government Solicitor's Office, Canberra

Tertiary Education

- 1990-91 LLM, 1st class honours, University of Cambridge
- 1988 Australian National University Legal Workshop Course, leading to admission to practice
- 1984-87 LLB, University of NSW
- 1983-85 BCom [Economics], University of NSW

Awards and Prizes

I was awarded the BTR/FCO Scholarship by the Cambridge Commonwealth Trust to undertake an LLM at the University of Cambridge. At Cambridge, I achieved first class honours, came first in American Constitutional Law and won the Jacobsen Prize for Law from my college.

Publications

“The Use of the Blue Pencil”, in *Key Issues in Judicial Review*, ed. Neil Williams, 2014

“Observations on Anecdotal about Costs in Australian Constitutional Cases” (2010) 22 *Bond LR* 94

Migration Law section of *Federal Civil Litigation Precedents* service, LexisNexis, 2008 (co-authored with Anna Mitchelmore)

Australian Native Title Law, Law Book Co, published December 2003 (co-author with Justice Perry) (second edition to be published in December 2017)

“Compulsory Acquisition of Property” (1998) Aust Mining and Petroleum Law Assoc Yearbook 75, co-authored with David Jackson QC

“Extinguishment, Revival and *Mineralogy*” (1998) *Native Title News*

Constitutionally Guaranteed Rights, chapter in *The Laws of Australia*, Law Book Co, 1994 and updates in 1996 and 1998

"Not Just Social Security and the Administrative Review System", in *Current Issues in Social Security Law*, ed. Julian Disney, 1994

"The Nature of External Review: Some Comparative Observations" (1993) 34 *Admin Review*

"The Kawasaki Cases: Validity of Administrative Orders, Natural Justice and Interest Payments" (1992) 9 *ALAL Newsletter* 4.

"Natural Prolongation: Have the Rumours of its Demise Been Greatly Exaggerated?" (1991) 3 *Revue Afrique Droit Internationale et Comparatif* 558.