

Neil Williams SC

Selborne Wentworth Chambers
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Practised at the Sydney Bar since 10 February 1989; took silk 26 September 2001.

Convenor, Public Law Section, NSW Bar since April 2011.

Formal qualifications

BEC (Syd), LLB (UNSW)
M Pub Law (ANU)
Diplôme d'Etudes Francaises (U Perpignan)
Fellow of the Australian Academy of Law

Principal areas of practice

- Appeals
- Tax
- Administrative law
- Environmental law
- Electoral law
- Mining law
- Appeals
- Law of evidence, especially privileges
- Trade practices
- Contempt
- Criminal law, especially federal criminal law such as corporate and tax crime.

Some High Court matters

New South Wales v DC [2017] HCA 22, (2017) 91 ALJR 681 (tort, essentials of action for negligence)

Re Culleton (No 2) [2017] HCA 4, (2017) 91 ALJR 311 (constitutional law, eligibility of Rodney Culleton for election to the Senate)

Re Day [2017] HCA 2, (2017) 91 ALJR (constitutional law, eligibility of Robert Day for election to the Senate)

Day v Australian Electoral Officer (SA) [2016] HCA 20, (2016) 90 ALJR 639 (constitutional law, validity of changes to Senate electoral system)

Unions NSW v New South Wales [2013] HCA 58, (2013) 88 ALJR 227, 304 ALR 266 (validity of electoral funding laws)

Magaming v The Queen [2013] HCA 40, (2013) 87 ALJR 1060, 302 ALR 461 (Constitutional law, validity of mandatory minimum terms for people smuggling offences)

Fortescue Metals Group Limited v The Commonwealth [2013] HCA 34, (2013) 87 ALJR 935, 300 ALR 26 (Constitutional law, validity of Mining Resources Rent Tax)

Mills v Federal Commissioner of Taxation [2012] HCA 51, (2012) 87 ALJR 53, 83 ATR 514, 293 ALR 43 (income tax, anti-avoidance provisions)

Minister for Immigration and Citizenship v SZLAI (2009) 259 ALR 429 (duty to inquire)

Minister for Immigration and Citizenship v SZIZO (2009) 238 CLR 627 (jurisdictional error)

Deputy Commissioner of Taxation v Broadbeach Properties Pty Ltd; DCT v MA Howard Racing Pty Ltd; DCT v Neutral Bay Pty Ltd (2008) 237 CLR 473; 248 ALR 693; (2008) 82 ALJR 1411; (2008) 67 ACSR 593; (2008) 69 ATR 357; [2008] HCA 41 (tax assessments and winding up proceedings)

Commissioner of Taxation v Futuris Corporation (2008) 237 CLR 136; 247 ALR 605; [2008] HCA 32 (scope of judicial review of tax assessments)

SZBEL v Minister for Immigration and Multicultural and Indigenous Affairs (2006) 231 ALR 592; (2006) 81 ALJR 515; (2006) 93 ALD 300; [2006] HCA 63 (procedural fairness)

SZAYW v Minister for Immigration and Multicultural and Indigenous Affairs (2006) 229 ALR 423; (2006) 80 ALJR 1599; (2006) 91 ALD 565; [2006] HCA 49 (procedural fairness)

Minister for Immigration and Multicultural Affairs v Respondents S152/2003 (2004) 222 CLR 1; (refugees convention)

NT Power Generation Pty Ltd v Power and Water Authority (2004) 219 CLR 90; (2004) 210 ALR 312; (2004) 79 ALJR 1; (2004) ATPR 42-021; [2004] HCA 48; (trade practices; derivative executive immunity)

Applicant NAFF of 2002 v Minister for Immigration and Multicultural and Indigenous Affairs (2004) 221 CLR 1; (2004) 211 ALR 660; (2004) 79 ALJR 397; (2004) 82 ALD 1; [2004] HCA 62; (procedural fairness)

Minister for Immigration and Multicultural and Indigenous Affairs, Re; Ex parte Applicants S134/2002 (2003) 211 CLR 441; (2003) 195 ALR 1; (2003) 77 ALJR 437; (2003) 24(2) Leg Rep 14; (2003) 71 ALD 545; [2003] HCA 1; (privative clauses)

Minister for Immigration and Multicultural Affairs v Wang (2003) 215 CLR 518; (2003) 72 ALD 577; (2003) 196 ALR 385; (2003) 77 ALJR 786; [2003] HCA 11; (orders controlling remittal to a tribunal)

Plaintiff S157/2002 v Commonwealth of Australia (2003) 211 CLR 476; (2003) 195 ALR 24; (2003) 77 ALJR 454; (2003) 24(2) Leg Rep 2; (2003) 72 ALD 1; [2003] HCA 2; (privative clauses)

Minister for Immigration and Multicultural Affairs v Khawar (2002) 210 CLR 1; (2002) 187 ALR 574; (2002) 76 ALJR 667; (2002) 23(6) Leg Rep 11; (2002) 67 ALD 577; [2002] HCA 14; BC200201536; (refugees convention)

Wong v R (2001) 207 CLR 584; (2001) 185 ALR 233; (2001) 76 ALJR 79; (2001) 22(19) Leg Rep C1; [2001] HCA 64; (constitutional law)

Pacific Coal Pty Limited; ex parte Construction, Forestry and Mining Union (2000) 203 CLR 346; (constitutional law)

Minister for Immigration and Multicultural Affairs v Ibrahim (2000) 204 CLR 1; below (1999) 94 FCR 259 (refugees convention)

Minister for Immigration and Multicultural Affairs v Thiagarajah (2000) 199 CLR 343; below (1997) 80 FCR 543 (refugees convention)

Minister for Immigration and Ethnic Affairs v Guo Wei Rong (1997) 191 CLR 559; below (1996) 64 FCR 151; (scope of judicial review, refugees convention)

Applicant A v Minister for Immigration and Ethnic Affairs (1997) 190 CLR 225; below (1995) 57 FCR 309; (refugees convention)

Commissioner of Australian Federal Police v Propend Finance (1997) 188 CLR 501; below (1995) 58 FCR 224; (1994) 94 ATC 4,399; (No 2)(1994) 35 ALD 25; (legal professional privilege)

Minister for Immigration and Ethnic Affairs v Wu Shan Liang (1996) 185 CLR 259; below (1995) 57 FCR 432; (scope of judicial review, refugees convention)

Director of Public Prosecutions v Kainhofer (1996) 185 CLR 528; (international extradition)

Rogers v R (1994) 181 CLR 251; (issue estoppel in criminal law)

Some Publications

Key Issues in Public Law, Federation Press, Sydney 2017, N Williams(ed)

Uniform Evidence in Australia, 2nd ed, LexisNexis Butterworths, Sydney 2017, (with Associate Professor John Anderson, Judith Marychurch and Julia Roy)

Uniform Evidence in Australia, LexisNexis Butterworths, Sydney 2015, (with Associate Professor John Anderson, Judith Marychurch and Julia Roy)

Key Issues in Judicial Review, Federation Press, Sydney 2014, N Williams(ed)

The New Law of Evidence 2nd ed, LexisNexis Butterworths, Sydney 2009 (with Jill Anderson and Louise Clegg, and 1st ed 2002 with Professor Jill Hunter and Jill Anderson)

LexisNexus Federal Criminal Law Service (since 1995, with Tony Payne and Sarah McNaughton)

Commonwealth Criminal Law, Federation Press, 1990 (with Deborah Sweeney)

Administrative Law and Human Rights (with Professor John McMillan) in *Human Rights in Australian Law*, Federation Press, 1998, David Kinley (ed)

The interrelationship between the industrial power and other heads of power in Australian industrial law (2001) 20 Aust Bar Rev 264 (with Andrew Gotting);

"*The Administrative Decisions (Judicial Review) Act and Personnel Management*", (1991) 20 FL Rev 158.