

NEIL JOHN WILLIAMS

Practised at the Sydney Bar since 10 February 1989; took silk 26 September 2001.
Convenor, Constitutional and Administrative Law Section, NSW Bar.

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;
- mining law
- appeals;
- law of evidence, especially privileges;
- trade practices;
- contempt;
- criminal law, especially federal criminal law such as corporate and tax crime.

Some Publications

- *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.

Some High Court matters

- *Rogers v R* (1994) 181 CLR 251; (issue estoppel in criminal law)
- *Director of Public Prosecutions v Kainhofer* (1996) 185 CLR 528; (international extradition)

- *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)
- *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)
- *Applicant A v Minister for Immigration and Ethnic Affairs* (1997) 190 CLR 225; below (1995) 57 FCR 309; (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)
- *Minister for Immigration and Multicultural Affairs v Thiyagarajah* (2000) 199 CLR 343; below (1997) 80 FCR 543 (refugees convention)
- *Minister for Immigration and Multicultural Affairs v Ibrahim* (2000) 204 CLR 1; below (1999) 94 FCR 259 (refugees convention)
- *Pacific Coal Pty Limited; ex parte Construction, Forestry and Mining Union* (2000) 203 CLR 346; (constitutional law)
- *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)
- *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)
- *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 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)
- *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)
- *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)
- *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)

- *Minister for Immigration and Multicultural Affairs v Respondents S152/2003* (2004) 222 CLR 1; (refugees convention)
- *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)
- *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)
- *Commissioner of Taxation v Futuris Corporation* (2008) 237 CLR 136; 247 ALR 605; [2008] HCA 32 (scope of judicial review of tax assessments)
- *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)
- *Minister for Immigration and Citizenship v SZIZO* (2009) 238 CLR 627 (jurisdictional error)
- *Minister for Immigration and Citizenship v SZIAI* (2009) 259 ALR 429 (duty to inquire)
- *Mills v Federal Commissioner of Taxation* [2012] HCA 51, (2012) 87 ALJR 53, 83 ATR 514, 293 ALR 43 (income tax, anti-avoidance provisions)
- *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)
- *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)
- *Unions NSW v New South Wales* [2013] HCA 58, (2013) 88 ALJR 227, 304 ALR 266 (validity of electoral funding laws)