Ben Mostafa

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Professional background

 Barrister, Sixth Floor Selborne Wentworth Chambers Areas of specialisation: commercial disputes, equity and trusts, corporations, administrative and public law (including migration), and international law. 	2014 - present
Lecturer in Contract Law, UNSW	2014 - 2015
Solicitor, Herbert Smith Freehills	2011 - 2014
Coach, Jessup International Moot Team, UNSW	2012 - 2013
Associate to the Hon Justice K M Hayne AC, High Court of Australia	2009 - 2010
Solicitor, Mallesons Stephen Jaques	2008 - 2009
Qualifications	
 Master of Law (Hons Class I), University of Cambridge Jesus College Foundation Scholarship Papers: Settlement of International Disputes, International Commercial Litigation, Restitution, Commercial Equity 	2010 - 2011
Bachelor of Laws (Hons Class I) and Bachelor of Arts, UNSW	2003 - 2007

Selected matters

- Fitz Jersey Pty v Atlas Construction Group Pty Ltd (in liq) [2021] NSWSC 1692 (led by M Christie SC; Security of Payment Act; directors' duties; voidable transactions; tracing)
- Binqld Finances Pty Ltd (In Liq) v Israel Discount Bank Ltd (No 2) (2020) 384 ALR 148;
 [2020] FCA 1208 (led by P Brereton SC and J Arnott; service outside the jurisdiction; forum non conveniens)
- CIQ17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCCA 2679 (unled, judicial review of Immigration Assessment Authority decision)
- Fitz Jersey Pty Ltd v Atlas Construction Group Pty Ltd (In Liq) (No 3) [2020] NSWSC 974 (led by M Christie SC; freezing orders, directors' duties and voidable transactions)
- DST18 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCCA 1813 (unled, judicial review of Immigration Assessment Authority decision)
- Acted for principal in alternative dispute resolution mechanism defending construction contract claim for approximately \$300 million
- Re Business Institute of Australia Pty Ltd and ASQA [2019] AATA 699 (led by S Lloyd SC; obtaining stays of decisions by ASQA to impose conditions under the ESOS Act)

- BCI Finances Pty Limited (in liq) v Binetter (2018) 362 ALR 597; [2018] FCAFC 189 (led by J Arnott; five day appeal; breach of fiduciary duty arising from involvement in tax evasion; knowing involvement in breach of fiduciary duty)
- BXY15 v Minister for Immigration and Border Protection [2018] FCCA 2896 (unled, judicial review of Administrative Appeals Tribunal decision)
- Real Estate Property Management Pty Ltd v WaterCorp Investments Pty Ltd [2018] NSWCA 194 (unled; resisting application for leave to appeal)
- *Hampshire Assets and Services Pty Ltd v Blackman* [2018] NSWSC 1096 (led by D Mitchell; taxation advice and professional negligence)
- CDH16 v Minister for Immigration and Border Protection [2018] FCA 668 (unled; appeal from Federal Circuit Court; judicial review)
- BOT15 v Minister for Immigration and Border Protection [2018] FCA 654 (unled; appeal from Federal Circuit Court; judicial review)
- Mahommed v Unicomb [2018] NSWSC 291 (unled; trusts and fiduciary duties; strike out)
- SZTAL v Minister for Immigration and Border Protection (2017) 262 CLR 362; [2017] HCA 34 (led by S Lloyd SC; meaning of intent in Migration Act 1958 (Cth))
- Hussain v Minister for Immigration and Border Protection (2017) 327 FLR 442; [2017] FCCA 3247 (unled, judicial review of Administrative Appeals Tribunal decision)
- BCI Finances Pty Limited (in liq) v Binetter (2016) 117 ACSR 18; [2016] FCA 1351 (led by J Marshall SC and J Arnott, breach of fiduciary duty arising from involvement in tax evasion; knowing involvement in breach of fiduciary duty)
- BLH15 v Minister for Immigration and Border Protection (2016) 310 FLR 435; [2016] FCCA 1198 (unled; fraud on Administrative Appeals Tribunal; judicial review)
- SZUQE v Minister for Immigration and Border Protection (2016) 311 FLR 396; [2016] FCCA 2052 (unled, judicial review of Administrative Appeals Tribunal decision)
- Binetter v BCI Finances Pty Limited [2016] HCATrans 33 (led by R Hollo SC; resisting special leave application relating to Foreign Evidence Act 1994 (Cth))
- *Kim v Minister for Immigration and Border Protection* (2016) 248 FCR 263; [2016] FCA 959 (led by S Lloyd SC; application for declaration of citizenship)
- BCI Finances Pty Limited (in liq) v Binetter (No 3) [2015] FCA 1336 (unled; freezing orders)
- Binetter v BCI Finances Pty Ltd (in liq) (2015) 235 FCR 410; [2015] FCAFC 122 (led by R Hollo SC; letters of request and Foreign Evidence Act 1994 (Cth))
- *Minister for Immigration and Border Protection v SZTQS* (2015) 148 ALD 507; [2015] FCA 1069 (led by N Williams SC; appeal from Federal Circuit Court; judicial review)
- Greenhills Securities Pty Ltd v Loire Consultants Pty Ltd [2015] NSWSC 13 (unled; setting aside statutory demands)