

# 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 April 2011-May 2021.

## **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**

Advising in relation to the following:

- 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**

*Victoria International Container Terminal Ltd v Lunt* [2021] HCA 11; 95 ALJR 363 (abuse of process)

*Federal Commissioner of Taxation v Travelx Ltd* [2021] HCA 8; 95 ALJR 334 (taxation administration)

*Comptroller-General of Customs v Pharm-A-Care Laboratories Pty Ltd* [2020] HCA 2; 94 ALJR 182 (statutory construction, customs tariffs, application of the International Convention on the Harmonized Commodity Description and Coding System (1983) in domestic law)

*Parkes Shire Council v South West Helicopters Pty Ltd* [2019] HCA 14; 266 CLR 212 (carriers' liability, liability for negligently inflicted psychiatric harm)

*SAS Trustee Corporation v Miles* [2018] HCA 55; 265 CLR 137 (statutory construction, polic superannuation)

*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 NAFU 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*, 2<sup>nd</sup> 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 2<sup>nd</sup> ed*, LexisNexis Butterworths, Sydney 2009 (with Jill Anderson and Louise Clegg, and 1<sup>st</sup> 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.