

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, mining and energy law and regulation, environmental law, extradition law, native title and land law, human rights law, health law, and regulatory enforcement matters. More recently, I have also done some insurance law.

I was appointed to be Senior Counsel in 2008.

I have appeared before the Full Court of the High Court in over 70 proceedings, concerning *inter alia* constitutional law, judicial review, migration law, international law, extradition law and native title law:

- *Commonwealth v Yunupingu on behalf of the Gumatj Clan* (2024) – Constitutional Law – Acquisition of Property – Native Title
- *Harvey v Minister for Primary Industry and Resources & Ors* (2023) – Native Title
- *ENT19 v Minister for Home Affairs* (2023) – Migration Law
- *Tu'uta Katoa v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2022) – Migration Law
- *Thoms v Commonwealth of Australia (No. 2)* (2022) – Partial disapplication of invalid provision

- *Commissioner of Taxation v Huang* (2021) – Freezing Orders – Equitable Relief
- *Port of Newcastle Operations Ltd v Glencore Ltd* (2021) – Regulatory Pricing
- *Addy v Commissioner of Taxation* (2021) – International Tax Agreement – Discrimination – Resident
- *AUS17 v Minister for Immigration and Border Protection* (2020) – Judicial Review – Migration Law
- *Smethurst & Anor v Commissioner of Police & Anor* (2020) – Search Warrants – Constitutional Law -- Injunctions
- *Comptroller-General of Customs v Pharm-A-Care Laboratories Pty Ltd* (2020) – Customs
- *BMW Australia Ltd v Brewster; Westpac Banking Corporation v Lenthall* (2019) – Class actions – Judicial Power
- *Masson v Parsons* (2019) – Family Law – Judiciary Act
- *Frugtniet v ASIC* (2019) – Corporations – Spent Convictions
- *Northern Territory v Griffiths* (2018) – Native Title – Compensation
- *Tomaras v Tomaras* (2018) – Family Law – Income Tax
- *Falzon v Minister for Immigration and Border Protection* (2018) – Migration Law
- *Re Roberts* (2017) – Eligibility to be a Parliamentarian
- *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 Congo & 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
- *JT 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 500 cases in a wide range of matters. Almost 200 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; Federal Circuit Court; Queensland Supreme Court; Western Australian Court of Appeal; Northern Territory Supreme Court; Administrative Appeals Tribunal; New South Wales Civil and Administrative Tribunal; and the Australian Competition Tribunal.

I became an international heartthrob of the cognoscenti after my "televised" appearance for the Minister for Immigration in proceedings involving Novak Djokovic.

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
- 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

- Australian Native Title Law*, 2nd edition, Thomson Reuters, published December 2018 (co-editor)
- "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, the Honourable Justice Melissa Perry)
- "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 *AIAL Newsletter* 4.

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