



Thomas Liu

ADMISSIONS

2017	Barrister – Admitted to practice by the New South Wales Bar Association
2013	Lawyer – Admitted by the Supreme Court of New South Wales and the High Court of Australia

EDUCATION

2015 – 2016	University of Cambridge Master of Law – Subjects: law of armed conflict, public law, interpreting legislation, international tax. <ul style="list-style-type: none">• First in Public Law Seminar for thesis.
2006 – 2011	University of New South Wales Bachelor of International Studies (Distinction) Bachelor of Law (Honours Class 1) <ul style="list-style-type: none">• University Prize for best academic performance in the combined Bachelor of International Studies and Bachelor of Law degree.
2008 – 2009	Georgetown University Bachelor of International Studies (overseas study program)

EXPERIENCE

2017 – present	7 Wentworth Selborne Barrister
2016 – 2017	Clayton Utz Solicitor – Insolvency and Public Law Litigation
2013 – 2014	Herbert Smith Freehills Solicitor – Commercial and Tax Litigation
2012	Legal Aid Commission of New South Wales Legal Officer – Human Rights Fellow, Civil Law Division

ASSOCIATESHIP AND ACADEMIC EXPERIENCE

2014 – 2015	Federal Court of Australia Associate to Justice R J Buchanan
2012 – 2015	University of New South Wales University of Newcastle Sessional Academic; Examiner – International Law, Constitutional Law



RECENT CASES

Public law

- *Re applications for post-sentence orders under Div 105A of the Criminal Code in respect of terrorism offenders* (Supreme Court of NSW):
 - *Attorney-General (Cth) v Amin (Final)* [2023] NSWSC 1586 – Application for an extended supervision order under Division 105A of the *Criminal Code* (Cth). Led by James Emmett SC, with K Pham.
 - *Attorney-General (Cth) v Amin (Preliminary)* [2023] NSWSC 1280 – Application for an interim supervision order under Division 105A. Led by Craig Lenehan SC, with K Pham.
 - *Attorney-General (Cth) v Amin* [2023] NSWSC 1210 – Application for urgent hearing to make an interim supervision order. Unled against Senior Counsel.
- *Re matters of Transitory Persons under the Migration Act concerning claims in tort against the Commonwealth relating to regional processing arrangements in Nauru and Papua New Guinea* (High Court of Australia, Federal Court of Australia, ongoing) – appearances include:
 - *Plaintiff S164/2020 v Commonwealth of Australia* [2021] HCATrans 32 – Contested remitter of proceedings from the High Court. Led by Geoffrey Johnson SC and Patrick Knowles.
 - *EBA v Commonwealth of Australia* [2021] ACTSC 186 – Cross-vesting application for cohort of tort claims against the Commonwealth. Led by Patrick Knowles.
- *Precious Family Day Care Pty Ltd v Secretary, Department of Education* [2024] FCA 20 – Judicial review concerning issues of procedural fairness and materiality. Unled.
- *Peroy and Tax Practitioners Board* [2024] AATA 12 – Review of a decision concerning fitness and propriety of a registered tax agent. Unled.
- *Merhi v State of NSW & Commonwealth* (Supreme Court of NSW, 2023) Claims in tort against the NSW Police Force and the Australian Federal Police. Led by Perry Herzfeld SC.
- *Vakhabov v Commonwealth of Australia* (Federal Court of Australia, 2023, including *Vakhabov v Commonwealth of Australia* [2020] HCATrans 150) – Constitutional law and unlawful detention relating to the operation of criminal justice stay certificates. Led by Nicholas Owens SC and David Hughes.
- *Klewer v National Disability Insurance Agency* [2023] FCA 630 – Appeal on a question of law under s 44 of the *Administrative Appeals Tribunal Act 1975* (Cth). Led by Patrick Knowles SC.
- *AHL19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FCA 122 – Judicial review raising grounds of legal unreasonableness and duty to inquire. Unled.
- *Dover and Commissioner of the NDIS Quality and Safeguards Commission* (Administrative Appeals Tribunal, ongoing) – Briefed for the NDIS Commission in a challenge to a banning order. Unled.
- *Infinity Security Group Pty Limited v Commissioner of Police, NSW Police Force* [2023] NSWCATAP 173 – Challenge to license revocation decision under the Security Industry Act. Unled.
- *Springs v Minister for Immigration* [2022] HCATrans 17 – Special leave to appeal on procedural fairness and legal unreasonableness grounds. Led by Perry Herzfeld SC.
- *National Disability Insurance Agency v KKTB* (2022) 295 FCR 379; [2022] FCAFC 181 – Appeal on a question of law concerning the meaning of a ‘support’ and issues of procedural fairness. Led by EC Muston SC.
- *FFR19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 894 – Judicial review concerning compliance with a Ministerial Direction. Unled.
- *Worsley and Tax Practitioners Board* [2022] AATA 3742 – Termination of a tax agent’s registration on fitness and propriety grounds, including for breaching the conditions of a stay order. Unled.
- *Helping Hugs FDC Pty Ltd and Secretary, Department of Education* (2022) 176 ALD 563. Decision concerning appropriate sanction for breaching conditions of provider approval. Unled.
- *Grech and Tax Practitioners Board* [2022] AATA 3401 – Decision to terminate the registration of a tax agent on fitness and propriety grounds under the *Tax Agent Services Act 2009* (Cth). Unled.
- *Forever FDC Pty Ltd and Secretary, Department of Education* [2022] AATA 2755 – Review of a decision to decline approval to administer a Commonwealth subsidy under the *A New Tax System (Family Assistance) (Administration) Act 1999* (Cth). Unled.
- *Forever FDC Pty Ltd v Secretary, Department of Education* [2022] NSWCATAD 185 – Merits review of a decision to cancel provider approval under the Education and Care Services National Law. Unled.



- *TMGL and Minister for Immigration* [2022] AATA 1335 – Review of a decision made personally by the Minister for Home Affairs to revoke applicant’s Australian citizenship on public interest grounds. Unled.
- *Australia YMCI Ltd v Secretary of the Department of Customer Service* [2021] NSWSC 1114 – Transfer application of a judicial review challenge to a building work rectification order. Led by EC Muston SC.
- *FFM20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCAFC 156 – Principles concerning leave to raise a new ground on appeal. Led by Perry Herzfeld SC.
- *Arhbal v Minister for Home Affairs* [2021] FCAFC 220 – Disclosure of information covered by a s 376 certificate under the Migration Act 1958 (Cth). Unled against Senior Counsel.
- *KKTB and National Disability Insurance Agency* [2021] AATA 5457 – Merits review of a decision concerning reasonable and necessary supports to be provided by registered nurses. Unled.
- *Report of the Independent Review provided to the NDIS Commissioner on 31 August 2020* – Engaged by the NDIS Commission to assist the Hon. Alan Robertson SC in the Independent Review into the death of AnnMarie Smith and the adequacy of the regulation of the supports and services provided to her.
- *Springs v Minister for Immigration* (2021) 389 ALR 431; [2021] FCA 197 – Compellability of a Tribunal member to give evidence under s 16(2) of the Evidence Act 1995 (Cth). Unled.
- *Eunomia Developments Pty Ltd v Secretary of the Department of Customer Service* [2021] NSWLEC 1279 – Merits appeal challenging decision of the Building Commissioner to issue a rectification order. Unled.
- *CXZS and National Disability Insurance Agency* [2021] AATA 511 – Reasonable and necessary supports for older children with ASD. Unled.
- *Caine and Secretary, Department of Social Services* [2020] AATA 2089 – Decision concerning assessment of impairment under the Social Security Act 1991 (Cth). Unled.
- *Fattah v Minister for Home Affairs* (2019) 268 FCR 33; [2019] HCASL 241 – Judicial review of decision to cancel bridging visa leading to immigration detention. Led by Geoffrey Johnson SC.
- *SZQLS v Minister for Immigration and Border Protection* (2019) 164 ALD 125. Unled.
- *CTG18 v Minister for Home Affairs* [2019] FCA 1470 – Judicial review, legal unreasonableness. Unled.
- *Shortland and Minister for Immigration* [2019] AATA 5604 – Revocation of visa cancellation. Unled.
- *FRCT and National Disability Insurance Agency* [2019] AATA 1478 – Decision concerning NDIS funding of behavioural therapy for children with autism spectrum disorder. Unled against silk.
- *Burchell and National Disability Insurance Agency* [2019] AATA 1256 – Decision concerning NDIS responsibility for funding of health-related supports. Unled.
- *Larney v Minister for Home Affairs* [2019] FCA 700 – Judicial review proceedings concerning application of Public Interest Criterion 4020. Unled.
- *Miringaorangi v Commonwealth of Australia* [2018] FCA 392 – Constitutional law, habeus corpus, false imprisonment – whether immigration detention inconsistent with Ch III of the Constitution. Led by Justin Gleeson SC & David Hughes in habeus corpus proceedings.
- *SZROZ v Minister for Immigration and Border Protection (No 2)* (2018) 332 FLR 403 – Interlocutory proceeding challenging constitutionality of mandatory immigration detention. Unled.
- *SZROZ v Minister for Immigration and Border Protection* (2018) 330 FLR 439 – Judicial review proceedings involving exclusion of evidence under s 138 of the Evidence Act 1995. Unled.
- *AHN17 v Minister for Immigration and Border Protection* [2018] FCA 1598. Led by Ian Neil SC.
- *Abboud v Minister for Immigration and Border Protection* (2018) 74 AAR 214; [2018] FCA 185. Unled.
- *Singh v Minister for Immigration and Border Protection* [2017] FCAFC 195 – Appeal against a decision of the Federal Circuit Court for inadequate reasons. Led by David Hughes.

Commercial, corporations law, equity and revenue

- *Davis v Quintis Ltd & Ors* (Federal Court of Australia, ongoing) – Shareholder class action involving claims under the Corporations Act 2001. Led by Jeremy Giles SC.
- *Compumod Investments v Universal Equivalent Technology* (Federal Court of Australia, ongoing) – Class action concerning alleged misleading and deceptive statements in bond prospectus. Led by Michael Jones SC.



- *Australian Securities and Investments Commission v Westpac Banking Corporation* (Federal Court of Australia, ongoing) – Briefed for non-party HSBC to appear on suppression order application. Unled.
- *Armstrong v State of New South Wales* (Supreme Court of Australia, ongoing) – Claim for breach of contract against the State seeking specific performance. Unled.
- *Zioukin v Hastings Deering (Australia) Ltd* (District Court of NSW, 2022) – Breach of contract. Unled.
- *Prasad v Bawrunge Coffs Harbour GP Super Clinic Limited* (District Court of NSW, 2022) – Dispute concerning characterisation and entitlements as an employee or independent contractor. Unled.
- *Hong v AHL Legal* (District Court of NSW, 2022) – Claim against solicitor for breach of retainer. Unled.
- *Wei's Enterprise Pty Ltd v BT Balmoral Pty Ltd & Ors* (Supreme Court of NSW, 2021) – Contractual dispute involving amounts loaned under a Deed of Loan. Led by Christian Bova SC.
- *Merrall v Warrah Society* (District Court of NSW, 2021) – Claims under s 18 and s 31 of the Australian Consumer Law. Unled.
- *Scenic Tours Pty Ltd v Moore* [2018] NSWCA 238; 361 ALR 456; 339 FLR 244 – Class action involving various claims under the Australian Consumer Law. Led by Alister Abadee.
- *Wolseley Grove Pty Ltd v The Owners - Strata Plan No 82353* (Supreme Court of NSW, 2020) – Claims in contract, nuisance and negligence. Led by Nick Kidd SC.
- *Premium Building Management Pty Ltd v The Owners - Strata Plan No 69204* [2019] NSWDC 312 – Contract dispute involving issues of certainty of terms and legality. Led by Jason Lazarus.
- *Sakellis v Vourlos* [2019] NSWSC 1063; [2018] NSWSC 1928 – Proprietary estoppel. Unled.
- *Kranias v Chief Commissioner of State Revenue* [2019] NSWCATAD 130 – Appearing for Chief Commissioner of State Revenue in case involving construction of the Duties Act 1997 (NSW). Unled.
- *Shih v The Owners - Strata Plan No 87879* [2019] NSWCATAP 263 – Jurisdiction of NCAT to make orders for payment of compensation. Unled against silk.
- *Workspace365 (NSW) Pty Ltd v Chief Commissioner of State Revenue* (NSW Civil and Administrative Tribunal, 2019) – Acting for Chief Commissioner in matter involving various state levies. Unled.
- *AVJennings Ltd v Endeavour Energy* (Supreme Court of NSW, 2018) – Contract, estoppel and extinguishment of an easement for electricity infrastructure. Led by Jason Lazarus.
- *Dabson v Australasian Conference Association Ltd* (Supreme Court of NSW, 2018) – Determination of the existence of a public road and easement. Led by Jason Lazarus.
- *NSW Housing and Land Corporation v Capital & Ors* (Supreme Court of NSW, 2018) – Building and construction dispute involving Aboriginal social housing in Moree, NSW. Led by David Hughes.
- *South Pacific Laundry (Albury) Pty Ltd v Chief Commissioner of State Revenue* (NSW Civil and Administrative Tribunal, 2018) – Acted for Chief Commissioner re payroll tax assessments. Led by Andrew Byrne.
- *Deputy Commissioner of Taxation v Thaker* (District Court of NSW, 2018) – Appeared for Deputy Commissioner of Taxation in proceedings to recover director penalties. Unled.
- *In the matter of HMSP Pty Ltd* (Supreme Court of NSW, 2018) – Appeared for PwC in statutory demand and winding up proceedings. Unled. • *Healey v National Australia Bank* (Local Court of NSW, 2018) – Appeared for NAB in proceedings relating to a retail customer contract. Unled.

Employment and industrial law

- *University of Sydney & Garton v National Tertiary Education Industry Union* (Full Court of the Federal Court, 2023) – Appeal concerning an enterprise agreement providing a right to intellectual freedom, and related issues of accessorial liability. Led by Jeremy Giles SC.
- *Fair Work Ombudsman v Lam* (2021) 390 ALR 39; [2021] FCA 205 – Coverage of Miscellaneous Award, civil penalties. Led by David Chin SC.
- *Kalayzich v Santa Sabina College* [2020] FCCA 11 – General protections, alleged adverse action and breach of contract. Unled.
- *Pike v Honda Australia Motorcycle and Power Equipment Pty Ltd* (Federal Circuit Court, 2020). Unled.
- *Martin v Meerlen Pty Ltd* (Federal Circuit Court, 2019) – General protections, application of Hospitality Industry Award, alleged adverse action and discrimination. Unled.



- *Ramirez v Consulate General of Uruguay* (Fair Work Commission, 2018) – Unfair dismissal – Application of Fair Work Act 2009 and unfair dismissal regime to a foreign consulate. Unled.
- *Waddingham v Acciona Infrastructure Australia Pty Ltd* (Federal Circuit Court, 2018) – Breach of employment contract, general protections. Unled.

Criminal law

- *TL v The King* [2022] HCA 35; (2022) 275 CLR 83– Led by James Glissan QC.
- *TL v The Queen* [2020] NSWCCA 265 – Led by Malcolm Ramage QC.
- *Hamzy v R* [2019] NSWDC 7 – Led by Phillip Boulten SC.
- *Commissioner of the AFP re R v Davis* (District Court of NSW, 2023) – Unled for the AFP.
- *Monash University re Police v Lee* (Local Court of NSW, 2019) – Unled for Monash University.
- *Police v Pholi* (Local Court of NSW, 2018) – Unled.

Environment and planning / compulsory acquisition

- *Barrak v City of Parramatta Council* [2018] NSWLEC 67 – Appeal on a question of law from a Commissioner’s decision relating to planning instruments. Led by Scott Nash.
- *Fletcher v Roads and Maritime Services* (Land and Environment Court, 2018) – Class 3 compulsory acquisition proceedings. Led by Jason Lazarus.

PUBLICATIONS AND PRESENTATIONS

Paper on ‘Sporting Disputes in Federal Tribunals – An Administrative Law Perspective’, NSW Sports Law Conference, Sydney, 10 September 2022.

‘The Participant in the NDIS – A Paradigm Shift for Administrative Law’ (2019) 97 *AIAL Forum* 81. Presented at the Australian Institute of Administrative Law National Conference, Canberra, 19 July 2019.

Paper on ‘The NDIS: Emerging Themes and Practical Lessons in Merits Review Proceedings’, Legal Aid Commission of NSW, Government Law Section, 27 March 2019.

Presentation on ‘Assessing Damages and Other Remedies’, Litigation Section Seminar at Holding Redlich, Sydney, 23 November 2017.

Paper on ‘Republicanism and the Rule of Law’, Emerging Research Seminar Series, Christ’s College, Cambridge, 29 April 2016.

Paper on ‘Section 570 of the *Fair Work Act 2009* (Cth) and the Protection from Costs’. Presented at the Federal Court Judges’ Conference, Brisbane, 19 March 2015.

PRO BONO

Advising and appearing in various pro bono matters for clients with PIAC, Marrickville Legal Centre, Women’s Legal Service, Salvos Legal and the Federal Court pro bono referral scheme.



PROFESSIONAL ASSOCIATIONS

NSW Bar Association

- Member of the Legal Aid Committee.
- Member of Professional Conduct Committee 1.

Australian Association of Constitutional Law.

Australian Institute of Administrative Law.

LANGUAGE SKILLS

Fluent in Chinese (Mandarin).