

CURRICULUM VITAE
Christopher James Horan QC

Current occupation:

Barrister, Victorian Bar.

Contact details:

Room 1811
Owen Dixon Chambers West
205 William Street
Melbourne VIC 3000

Phone: (03) 9225 8430
0401 993 161

List G Barristers
Owen Dixon Chambers West
205 William Street
Melbourne VIC 3000

Phone: (03) 9225 8558
Fax: (03) 9225 8668

Qualifications

Admitted to practice as a barrister and solicitor of the Supreme Court of Victoria, April 1992.

Signed bar roll, Victorian Bar, November 2000.

Appointed Queen's Counsel, November 2015.

Areas of practice:

Administrative law, constitutional law, migration, state revenue, native title, commercial/equity.

See list of significant cases set out below.

Other positions

Co-editor, Commonwealth Law Reports, October 2016 – present

Personal:

Date of birth: 23 May 1968

Education

De La Salle College, Malvern, Victoria, 1977-1985.

University of Melbourne: B.A./LL.B.(Hons), 1986-1990.

Prizes & Awards:

- 1990: Supreme Court Prize in Bachelor of Laws (Honours).
E.J.B. Nunn Scholarship in Bachelor of Laws (Hons).
Sir George Paton Prize for Research Project A.
- 1989: Brian Benjamin Memorial Prize for Trusts.
John Madden Exhibition for Advanced Administrative Law.
- 1987: Jessie Leggatt Scholarship for Contract.
Ridgeway Clements Exhibition for Contract.
Price Waterhouse Prize for Contract.

Relevant employment history

- Senior counsel, Victorian Bar, November 2015 – present
- Barrister, Victorian Bar, September 2000 – November 2015.
- Counsel Assisting the Solicitor-General, Commonwealth Attorney-General's Department (SES Band 1, September 1998 – August 2000)
- Office of General Counsel, Commonwealth Attorney-General's Department and Australian Government Solicitor (Legal 1, May 1994 - August 1995; Legal 2, August 1995 - August 1998).
- Research Officer, Law and Public Administration Group, Parliamentary Research Service, Parliament House, Canberra (March 1994 - May 1994).
- Associate to Justice Brennan, High Court of Australia (February 1993 - February 1994).
- Arthur Robinson & Hedderwicks, Melbourne (March 1991 - December 1992: Banking and Finance Group, Litigation Group).

Significant cases

High Court

Plaintiff M96A/2016 v Commonwealth of Australia [2017] HCA 16 – Constitutional law, migration, validity of detention of unlawful non-citizens / transitory persons.

Plaintiff M64-2015 v Minister for Immigration and Border Protection (2015) 90 ALJR 197; (2015) 327 ALR 8 – migration, refugee and humanitarian visas, lawfulness of government processing priorities policy for “split family” visa applications.

Attorney-General (NT) v Emmerson (2014) 253 CLR 393 – Constitutional law, validity of forfeiture of property of drug trafficker, whether contrary to separation of judicial power, whether acquisition of property otherwise than on just terms.

CPCF v Minister for Immigration and Border Protection (2015) 255 CLR 514 – Constitutional law, migration, validity of laws for detaining and taking persons to a place outside Australia.

Commissioner of State Revenue v Lend Lease Development Pty Ltd (2014) 254 CLR 142 – State revenue, Duties Act, whether contribution payments under development agreement were consideration for transfer of land.

Tahiri v Minister for Immigration and Citizenship (2012) 293 ALR 526; (2012) 87 ALJR 225 – migration, judicial review of refusal of Class XB subclass 202 (refugee and humanitarian) visa.

Plaintiff M47-2012 v Director General of Security (2012) 251 CLR 1 – migration, refusal of protection visa based on adverse security assessment, procedural fairness, validity of public interest criterion, whether detention lawful.

Hargraves v The Queen; Stoten v The Queen (2011) 245 CLR 257; *Handlen v The Queen; Paddison v The Queen* (2011) 245 CLR 282 – criminal appeal, directions to jury, application of proviso.

Plaintiff M70/2011 v Minister for Immigration and Citizenship (2011) 244 CLR 144 (Malaysian Declaration case) – migration, power to take persons to another country for determination of refugee status.

Plaintiff M13-2011 v Minister for Immigration and Citizenship (2011) 277 ALR 667; (2011) 85 ALJR 740 – migration, judicial review of refusal of protection visa, internal relocation.

Plaintiff M168/10 v The Commonwealth (2011) 279 ALR 1; (2011) 85 ALJR 790 – migration, interlocutory relief, immigration detention of unaccompanied minors.

Telstra Corporation Limited v The Commonwealth (2008) 234 CLR 210 – Constitutional law, access regime under Part XIC of Trade Practices Act, whether acquisition of property otherwise than on just terms.

VBAO v Minister for Immigration and Multicultural and Indigenous Affairs (2006) 233 CLR 1 – migration, judicial review of refusal of protection visa, whether receipt of death threats constituted persecution involving serious harm.

Theophanous v Commonwealth (2006) 225 CLR 101 – Constitutional law, forfeiture of superannuation, whether acquisition of property otherwise than on just terms

Dalton v NSW Crime Commission (2006) 227 CLR 490 – Constitutional law, service and execution of process, interstate service of summons issued by New South Wales Crime Commission.

CPT Custodian Pty Ltd v Commissioner of State Revenue (2005) 224 CLR 98 – State revenue, land tax, unit trusts, whether unit holder was “owner” of land.

Permanent Trustee Australia Ltd v Commissioner of State Revenue (Vic) (2004) 220 CLR 388 – Constitutional law, application of State taxation laws in Commonwealth places, whether discrimination or preference.

Re Woolley; Ex parte M276/2003 (2004) 225 CLR 1 – Constitutional law, validity of

immigration detention of minors.

Singh v Commonwealth (2004) 222 CLR 322 – Constitutional law, citizenship, migration, whether child born in Australia was an alien.

North Australian Aboriginal Legal Aid Service Inc v Bradley (2004) 218 CLR 146 – Constitutional law, judicial remuneration determined for fixed period, judicial independence, separation of judicial power.

Silbert v DPP (WA) (2004) 217 CLR 181 – Constitutional law, confiscation of profits of crime, deemed conviction, separation of judicial power.

Fittock v R (2003) 217 CLR 508; *Ng v R* (2003) 217 CLR 521 – Constitutional law, trial by jury, reserve jurors.

Luton v Lessels (2002) 210 CLR 333 – Constitutional law, child support liability and assessment, taxation, separation of judicial power.

Supreme Court of Victoria – Court of Appeal

Secure Parking Pty Ltd v Commissioner of State Revenue [2017] VSCA 68 (affirming *Secure Parking v Commissioner of State Revenue* [2016] VSC 344) – State revenue, parking levy, meaning of “parking space”.

Commissioner of State Revenue v Antonino Arrigo [2016] VSCA 339 – State revenue, Duties Act, property held on unit trust, construction of trust deed, whether duty payable on transfer of property to unit holder.

Mercedes-Benz Australia/Pacific Pty Ltd v Commissioner of State Revenue [2016] VSCA 194 – State revenue, Duties Act, motor vehicle registration, whether service demonstrator vehicles exempt from duty.

Gutnick v Indian Farmers Fertiliser Cooperative Ltd [2016] VSCA 5 – international commercial arbitration, enforcement of foreign award.

Censori v Adult Parole Board [2015] VSCA 254 (affirming *Censori v Adult Parole Board* (2015) 45 VR 605) – challenge to parole, interstate transfer of prisoners, prerogative of mercy.

Mould v Commissioner of State Revenue [2015] VSCA 285 – State revenue, Duties Act, primary production land, whether primary production was sole business of trustee owner, trustee owner also carried on business of leasing residential properties.

White Rock Properties Pty Ltd v Commissioner of State Revenue [2015] VSCA 77 – State revenue, Duties Act, whether transfer of land from testamentary trustees to corporate trustee was exempt from duty.

Hoser v Department of Sustainability and Environment [2014] VSCA 206; *Hoser v The Department of Sustainability and Environment (No 2)* [2014] VSCA 346 – appeal from VCAT decision to suspend and cancel Wildlife Demonstrator Licence.

Commissioner of State Revenue v Konann Pty Ltd [2015] VSCA 278 – State revenue, Duties Act, land tax, whether transfer of land to trustee was exempt from duty, constructive and resulting trusts, indefeasibility of title, whether entitled to primary production exemption from land tax.

Lend Lease Development Pty Ltd v Commissioner of State Revenue [2013] VSCA 207 – State revenue, Duties Act, whether contribution payments under development agreement were consideration for transfer of land.

Kordister Pty Ltd v Director of Liquor Licensing [2012] VSCA 325; *Kordister Pty Ltd v Director of Liquor Licensing (No 2)* [2013] VSCA 30 – Liquor licensing, appeal from VCAT refusal to vary licence to reduce trading hours of bottle shop.

Mulholland v Victorian Electoral Commission [2012] VSCA 104 – Registration of political parties, disputed election for secretary of political party, appeal from VCAT, review of refusal of registration application.

Sandhurst Holdings (Australia) Limited v Commissioner of State Revenue (2009) 25 VR 59 – State revenue, land tax, whether land used for 'out-door sporting recreation or cultural purposes or similar out-door activities'.

ISPT Pty Ltd v Melbourne City Council (2008) 20 VR 447 – valuation of land, appeal from VCAT, site value of land in Melbourne CBD.

General Television Corporation Pty Ltd v Director of Public Prosecutions (2008) 19 VR 68 – Suppression orders.

Lygon Nominees Pty Ltd v Commissioner of State Revenue (2007) 23 VR 474 – State revenue, land tax, discretionary and unit trusts, meaning of "beneficial owner".

Cowell v British American Tobacco Australia Services Ltd [2007] VSCA 301.

Applewood Residential Developments Pty Ltd v Commissioner of State Revenue [2006] VSCA 207 – State revenue, whether land used and occupied as a retirement village and for no other purpose.

Melbourne City Council v Port of Melbourne Corporation [2005] VSCA 72; (2005) 139 LGERA 318.

Arjon Pty Ltd v Commissioner of State Revenue (2003) 8 VR 502; *Commissioner of State Revenue v CPT Custodian Pty Ltd* (2003) 8 VR 532 – State revenue, land tax, unit trusts, whether unit holder was "owner" of land.

Supreme Court of Victoria (recent)

Rakmy Pty Ltd v Commissioner of State Revenue [2017] VSC 237

Lotus Projects Pty Ltd v Commissioner of State Revenue [2017] VSC 63

6.

Shields v Deliopoulos [2016] VSC 500

Numo Pty Ltd v Commissioner of State Revenue [2016] VSC 274

Michaelides v Commissioner of State Revenue [2016] VSC 256

BPG Caulfield Village Pty Ltd v Commissioner of State Revenue [2016] VSC 172

De Bruyn v Victorian Institute of Forensic Mental Health [2016] VSC 111

Indian Farmers Fertiliser Cooperative Ltd v Gutnick [2015] VSC 724

Schachna v Commissioner of State Revenue [2015] VSC 7

Leeworthy v Registrar of the Licensing Appeals Tribunal [2014] VSC 383

Fenridge Pty Ltd v Retirement Care Australia (Preston) Pty Ltd [2013] VSC 464

Federal Court – Full Court

Minister for Immigration and Border Protection v Singh [2016] FCAFC 183 (special leave refused *Minister for Immigration and Border Protection v Singh* [2017] HCATrans 107)

Shrestha v Minister for Immigration and Border Protection [2017] FCAFC 69

Moana v Minister for Immigration and Border Protection [2015] FCAFC 54

Minister for Immigration and Border Protection v MZYTS (2013) 230 FCR 431

Marku v Republic of Albania (2013) 212 FCR 50

Australia and New Zealand Banking Group Limited v Konza (2012) 206 FCR 450

MZXSA v Minister for Immigration and Citizenship [2010] FCAFC 123; (2010) 117 ALD 441

H v Minister for Immigration and Citizenship (2010) 188 FCR 393

Huddleston v Aboriginal Land Commissioner (2010) 184 FCR 551

Sidhu v Minister for Immigration and Citizenship (2007) 161 FCR 413

Vanstone v Clark (2005) 147 FCR 299

VAF v Minister for Immigration and Multicultural and Indigenous Affairs [2004] FCAFC 123 (2004) 206 ALR 471

Luu v Minister for Immigration and Multicultural Affairs (2002) 127 FCR 24

Ruddock v Vadarlis (2001) 110 FCR 491 (the 'Tampa' case)

Federal Court (recent)

McGarrigle v National Disability Insurance Agency [2017] FCA 308

BMF16 v Minister for Immigration and Border Protection [2016] FCA 1530

BMX15 v Minister for Immigration and Border Protection [2016] FCA 1183

MZZUT v Minister for Immigration and Border Protection [2015] FCA 141

Williams v Minister for Immigration and Border Protection [2014] FCA 674

GM Holden Limited v Commissioner of the Anti-Dumping Commission [2014] FCA 708

SPI Electricity Pty Ltd v Australian Energy Regulator [2014] FCA 1012

Gondarra v Minister for Families, Housing, Community Services and Indigenous Affairs [2014] FCA 139