

CHRISTOPHER J. TRAN

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Clerk: List A

Professional background

Barrister (2014 – present).

Human Rights Committee (2014 – 2017)

Bar Readers' Course Sub-committee (2014 – present)

Student Engagement Committee (2014 – 2016)

Daniel Pollack Readers Award for pro bono work (2016)

Reporter, *Commonwealth Law Reports* (2014 – present).

King & Wood Mallesons, Solicitor (2011, March 2013 – July 2013). Dispute resolution and taxation.

Associate to the Hon K M Hayne AC, High Court of Australia (March 2012 – March 2013).

Education

Harvard Law School

Master of Laws (LLM) (2013-2014).

Menzies Scholarship to Harvard.

Dean's Scholar Prize for Administrative Law (Prof. Cass Sunstein)

Dean's Scholar Prize for Constitutional Analysis (Prof. Larry Tribe)

Senior Editor, *Harvard Human Rights Journal*.

University of Melbourne

Bachelor of Arts (BA) (2010)

Bachelor of Laws (Hons) and the Supreme Court Prize (2010).

Subject prizes for Competition Law, Trusts and Remedies, Remedies, WTO Moot Team, Property, Legal Theory, Obligations, and Legal Method and Reasoning and Torts.

Melbourne University Scholarship (2006-2010).

Editor, *Melbourne University Law Review* (2010).

Editorial Assistant, *Public Law Review* (2008-2009).

Winner, European Law Students' Association Moot Court Competition on the Law of the World Trade Organization (2009), including prizes for Best Overall Written Submissions and Best Oralist in the Semi-Finals.

Unled appearances

High Court of Australia			
1.	<i>Singh v Minister for Immigration and Border Protection</i>	[2016] HCATrans 207	Application for order to show cause
2.	<i>Plaintiff M137 v Minister for Immigration and Border Protection</i>	Ongoing	Application for order to show cause
3.	<i>Plaintiff M148 v Minister for Immigration and Border Protection</i>	Ongoing	Application for order to show cause
Federal Court of Australia			
4.	<i>Secretary, Department of Social Services v Sisalem</i>	Judgment reserved	Social security appeal
5.	<i>Knowles v Secretary of the Department of Veterans' Affairs</i>	Ongoing	Privacy
6.	<i>DBE16 v Minister for Immigration and Border Protection</i>	[2017] FCA 942	Migration appeal
7.	<i>SZUVA v Minister for Immigration and Border Protection</i>	[2017] FCA 482	Migration appeal
8.	<i>AOA16 v Minister for Immigration and Border Protection</i>	[2017] FCA 697	Migration appeal
9.	<i>CKS15 v Minister for Immigration and Border Protection</i>	[2017] FCA 583	Migration appeal
10.	<i>Kaur v Minister for Immigration and Border Protection</i>	[2017] FCA 777	Migration appeal
11.	<i>BJP15 v Minister for Immigration and Border Protection</i>	[2017] FCA 613	Migration appeal
12.	<i>Singh v Minister for Immigration and Border Protection</i>	[2017] FCA 216	Migration appeal
13.	<i>Biasin v State of Victoria</i>	Settled [2017] FCA 161	Disability discrimination claim Approval of settlement
14.	<i>BYI16 v Child Support Registrar</i>	[2017] FCA 139	Child support
15.	<i>Saharan v Minister for Immigration and Border Protection</i>	[2016] FCA 1431	Migration appeal

16.	<i>MZAIR v Minister for Immigration and Border Protection</i>	[2015] FCA 1316	Migration appeal
17.	<i>Patel v Minister for Immigration and Border Protection</i>	[2015] FCA 881	Migration appeal
Full Court of the Family Court of Australia			
18.	<i>Dove v Tolmay</i>	[2017] FamCAFC 253	Child support – appearing for the Child Support Registrar
Family Court of Australia			
19.	<i>Pabiyanov & Pabiyanova</i>	Judgment reserved	Child support – jurisdictional issues – appearing for the Secretary of the Attorney-General's Department as amicus curiae
Federal Circuit Court of Australia			
20.	<i>Dissanayake v Minister for Immigration and Border Protection</i>	Ongoing	Migration
21.	<i>Singh v Minister for Immigration and Border Protection</i>	Ongoing	Migration
22.	<i>CJE16 v Minister for Immigration and Border Protection</i>	Judgment reserved	Migration
23.	<i>ANO16 v Minister for Immigration and Border Protection</i>	[2017] FCCA 2633	Migration
24.	<i>BZY15 v Minister for Immigration and Border Protection</i>	[2017] FCCA 2051	Migration
25.	<i>Macras v Victoria</i>	Ongoing	Disability discrimination claim
26.	<i>Lennox v HC Securities Pty Ltd</i>	Ongoing	Employment
27.	<i>BAK15 v Minister for Immigration and Border Protection</i>	Judgment reserved	Migration
28.	<i>ATU16 v Minister for Immigration and Border Protection</i>	Judgment reserved	Migration
29.	<i>Abeyasinghe v Minister for Immigration and Border Protection [No 2]</i>	[2017] FCCA 1449	Migration
30.	<i>BMS16 v Minister for Immigration and Border Protection</i>	[2017] FCCA 1616	Migration

31.	<i>CRG15 v <u>Minister for Immigration and Border Protection</u></i>	(Unreported, April 2017)	Migration
32.	<i>ANL16 v <u>Minister for Immigration and Border Protection</u></i>	[2017] FCCA 803	Migration
33.	<i>Singh v <u>Minister for Immigration and Border Protection</u></i>	[2017] FCCA 522	Registrars' powers
34.	<i>Tingley v Smart</i>	[2017] FCCA 471	Child support – appearing on behalf of the Child Support Registrar
35.	<i>Dove v Tolmay</i>	(2017) 318 FLR 131; [2017] FCCA 474	Child support – appearing on behalf of the Child Support Registrar
36.	<i>Sharma v <u>Minister for Immigration and Border Protection</u></i>	[2017] FCCA 431	Migration
37.	<i>BCV15 v <u>Minister for Immigration and Border Protection</u></i>	[2017] FCCA 306	Migration
38.	<i>CLJ15 v <u>Minister for Immigration and Border Protection</u></i>	[2017] FCCA 467	Migration
39.	<i>ACP16 v <u>Minister for Immigration and Border Protection</u></i>	[2017] FCCA 1567	Migration
40.	<i>MZAJA v <u>Minister for Immigration and Border Protection</u></i>	[2017] FCCA 448	Migration
41.	<i>CDG15 v <u>Minister for Immigration and Border Protection</u></i>	[2017] FCCA 122	Migration
42.	<i>MZARX v <u>Minister for Immigration and Border Protection</u></i>	[2016] FCCA 3446	Migration
43.	<i>BCH15 v <u>Minister for Immigration and Border Protection</u></i>	[2016] FCCA 3116	Migration
44.	<i>BJP15 v <u>Minister for Immigration and Border Protection</u></i>	[2016] FCCA 3075	Migration
45.	<i>Farthing & Robinson & <u>Child Support Registrar</u></i>	[2016] FCCA 2851	Child support
		[2017] FCCA 85	Costs
46.	<i>Guzgun v <u>Minister for Immigration and Border Protection</u></i>	[2016] FCCA 2585	Migration
47.	<i>MZACQ v <u>Minister for Immigration and Border Protection</u></i>	[2016] FCCA 1834	Migration

48.	<i>MZAOJ v Minister for Immigration and Border Protection</i>	[2016] FCCA 689	Migration
49.	<i>Wu v Minister for Immigration</i>	[2016] FCCA 342	Migration
Administrative Appeals Tribunal			
50.	<i>DHKW & KYBL v Minister for Immigration and Border Protection</i>	Ongoing	Migration
51.	<i>Quinn v Australian Taxation Office</i>	Judgment reserved	Freedom of information
52.	<i>Adekoya v Minister for Immigration and Border Protection</i>	[2017] AATA 2028	Migration – s 501
53.	<i>Te Kanawa v Minister for Immigration and Border Protection</i>	[2016] AATA 906	Revocation of visa cancellation
Victorian Court of Appeal			
54.	<i>Uren v Uren</i>	[2017] VSCA 300	Stay application
Supreme Court of Victoria			
55.	<i>R v Yucel [No 1]</i>	[2017] VSC 807	Public interest immunity – appearing for the Chief Commissioner of Police – <i>leading K Chow</i>
56.	<i>Bogdanovic v Magistrates' Court of Victoria & Anor</i>	[2017] VSC 696	Judicial review
57.	<i>Secretary, Department of Health and Human Services v Rohrt (as liquidator of Nissand Pty Ltd (in liq))</i>	Unreported, 28 August 2017, Efthim AsJ	Review of liquidator's decision
58.	<i>Zakula v South Gippsland Shire Council</i>	Settled (orders made 29 August 2017)	Judicial review of decision under s 62 of the <i>Public Health and Wellbeing Act 2008</i> (Vic)
59.	<i>Komesaroff v The Royal Australasian College of Physicians</i>	Settled	Director's general law entitlement to company documents
60.	<i>B A v Attorney General of the Commonwealth</i>	(2017) 319 FLR 329; [2017] VSC 259	Section 39A of the <i>Mutual Assistance in Criminal Matters Act 1987</i> (Cth)

61.	<i>Carden Super Fund Pty Ltd v Smart Building Services</i>	Settled	Access to documents; validity of appointment of director
62.	<i>Funtastic Ltd v Madman Film and Media Pty Ltd</i>	(Unreported, December 2016)	Costs
63.	<i>Federation Estate Pty Ltd v Southern Rural Water</i>	(2016) 219 LGERA 101; [2016] VSC 610	Fees imposed under the <i>Water Act 1989</i> (Vic)
64.	<i>Toscano v Magistrates' Court of Victoria & Anor</i>	[2016] VSC 144	Judicial review of decision of Magistrates' Court of Victoria – appearing on behalf of the Informant
County Court of Victoria			
65.	<i>Kalibrate Asset Management Solutions Pty Ltd (as trustee for the Kalibrate Unit Trust) v IBM Australia Ltd</i>	Ongoing	Contract, misleading or deceptive conduct, estoppel claims
66.	<i>Burstin v Australia China Investment Fund Ltd</i>	Settled	Contract, estoppel and quantum meruit claims
Magistrates' Court of Victoria			
67.	<i>Kovomelt Pty Ltd v Argyle Batteries & Solar Pty Ltd</i>	Settled	Contract, misleading or deceptive conduct, negligence
68.	<i>De La Rue v Tritonlodge Pty Ltd</i>	(Unreported, December 2014)	One day trial – property law
Victorian Civil and Administrative Tribunal			
69.	<i>Goletsos v Commissioner of State Revenue</i>	Ongoing	Section 36A of the <i>Duties Act 2000</i> (Vic)
70.	<i>DNV v Department of Health and Human Services</i>	[2017] VCAT 1569	Privacy
71.	<i>Fagridas v Commissioner of State Revenue</i>	[2017] VCAT 755	Sections 36A and 36C of the <i>Duties Act 2000</i> (Vic)
72.	<i>TSJ v Department of Health and Human Services</i>	[2016] VCAT 687	Privacy

Led appearances

High Court of Australia		
<i>Falzon v Minister for Immigration and Border Protection</i>	Judgment reserved	Constitutional law – led by S P Donaghue QC, Solicitor-General for the Commonwealth and A M Mitchelmore
<i>Doctors for Refugees Inc v Commonwealth</i>	Ongoing	Constitutional law – led by R Merkel QC and C Lenehan, D Hume, with A P Yuile
<i>Powell v Australian Building and Construction Commissioner</i>	[2017] HCATrans 239	Special leave application – led by T Howe QC and R W O'Neill
<i>Victorian Workcover Authority v Australian Building and Construction Commissioner</i>	[2017] HCATrans 239	Special leave application – led by T Howe QC and R W O'Neill
<i>Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union</i>	[2017] HCATrans 106	Special leave application – led by T Howe QC
	Judgment reserved	Powers of the Federal Court under the <i>Fair Work Act 2009</i> (Cth) – led by T Howe QC
<i>Aldi Foods Pty Limited v Shop, Distributive & Allied Employees Association</i>	[2017] HCA 53	Industrial relations – led by W L Friend QC and A M Duffy
<i>Brown v Tasmania</i>	(2017) 91 ALJR 1089; [2017] HCA 43	Constitutional law – led by R Merkel QC and F I Gordon
<i>Wilkie v The Commonwealth</i>	(2017) 91 ALJR 1035; [2017] HCA 40	Constitutional law – led by R Merkel QC and K E Foley
<i>Nikolic v Chief Commissioner of Police</i>	[2017] HCASL 58	Special leave application – led by R Merkel QC and C van Proctor
<i>Timbercorp v Collins; Timbercorp v Tones</i>	(2016) 259 CLR 212; [2016] HCA 44	Anshun estoppel and class actions – led by P H Solomon QC and C O H Parkinson
<i>Murphy v Electoral Commissioner</i>	(2016) 90 ALJR 1027; [2016] HCA 36	Constitutional law – led by R Merkel QC and B K Lim
<i>Plaintiff M68/2015 v Minister for Immigration and Border Protection & Anor</i>	(2016) 257 CLR 42; [2016] HCA 1	Constitutional law – led by S P Donaghue QC and K E Foley
<i>North Australian Aboriginal Justice Agency v Northern Territory</i>	(2015) 256 CLR 569; [2015] HCA 41	Constitutional law – led by M K Moshinsky QC and K E Foley

<i>PT Bayan Resources TBK v BCBC Singapore Pte Ltd</i>	(2015) 258 CLR 1; [2015] HCA 36	Freezing orders and foreign judgments – <i>led by R Niall QC, Solicitor-General for Victoria</i> (intervening on behalf of the Attorney-General of Victoria)
Full Court of the Federal Court of Australia		
<i>Minister for Immigration and Border Protection v BJC16</i>	(2017) 347 ALR 62; [2017] FCAFC 114	Registrars' powers – <i>led by P R D Gray QC</i>
<i>Tuimaseve v Minister for Immigration and Border Protection</i>	Judgment reserved	Migration appeal – <i>led by P R D Gray QC</i>
<i>BVC15 v Minister for Immigration and Border Protection</i>	[2017] FCAFC 223	Migration appeal – <i>led by P R D Gray QC</i>
<i>United Voice v Australian Hotels Association</i>	[2017] FCAFC 161	Judicial review of penalty rates determination – <i>led by H Borenstein QC, C Dowling and K Burke</i> (written submissions only)
Federal Court of Australia		
<i>Wright Steel (Sales) Pty Ltd v Parliamentary Secretary to the Minister for Industry, Innovation and Science</i>	Settled	Judicial review (anti-dumping) – <i>led by R Knowles</i>
<i>Luke v Aveo Group Ltd</i>	Ongoing	Class action – <i>led by K Hanscombe QC</i>
<i>Australian Workers Union v Registered Organisations Commissioner</i>	[2017] FCA 1554	Applications to set aside subpoenas – <i>led by H Borenstein QC, with M Hosking</i>
<i>EnergyAustralia Yallourn Pty Ltd v AMWU</i>	[2017] FCA 1245	Industrial relations – <i>led by H Borenstein QC</i>
<i>Guy v Crown Melbourne Ltd</i>	[2017] FCA 1104	Opinion evidence
	Judgment reserved	Misleading or deceptive conduct and unconscionable conduct – <i>led by R Merkel QC, P R D Gray QC and Z E Maud</i>
<i>Australian Securities and Investments Commission v Westpac Banking Corporation</i>	Judgment reserved	Market manipulation, unconscionable conduct and misleading or deceptive conduct – <i>led by P D</i>

		<i>Crutchfield QC, M I Borsky QC and C van Proctor</i>
		Amendment application
[2017] FCA 1331		
<i>Pascoe v State of Victoria</i>	Settled	Disability discrimination claim – <i>led by M J Richards SC, Crown Counsel</i>
	[2017] FCA 498	Approval of settlement – <i>led by M J Richards SC, Crown Counsel</i>
<i>FCA Australia Pty Ltd v Campbell</i>	Settled	Breach of directors duties – <i>led by P D Crutchfield QC and C G Button</i>
<i>United Petroleum Pty Ltd v Pentaco Oil (Aust) Pty Ltd</i>	[2016] FCA 118	Three day trial – <i>led by M D Wyles QC and M I Borsky</i>
	[2016] FCA 221	Costs
<i>CCR15 v Commonwealth</i>	Settled	Administrative law and constitutional law – <i>led by S P Donaghue QC</i>
<i>Wooldridge v Australian Securities and Investments Commission</i>	(2015) 106 ACSR 551; [2015] FCA 349	Stay application – <i>led by R D Strong</i>
Full Court of the Family Court of Australia		
<i>Child Support Registrar & Scullin</i>	(2015) 54 Fam LR 322; [2015] FamCAFC 200	Procedural fairness – <i>led by E Wilson QC</i>
Federal Circuit Court of Australia		
<i>Gaughan v Causevic</i>	(2016) 309 FLR 135; [2016] FCCA 397	Transfer application
	[2016] FCCA 1693	Confirmation hearing for interim control order – <i>led by S P Donaghue QC</i>
Victorian Court of Appeal		
<i>Amcor Ltd v Barnes</i>	Ongoing	Breach of fiduciary duties – <i>led by S McNicol QC</i>
<i>RCR Energy Pty Ltd v WTE Co-Generation Pty Ltd</i>	[2017] VSCA 50	Summary judgment – <i>led by C M Scerri QC</i>

<i>Chief Commissioner of Police v <u>Nikolic</u></i>	(2016) 338 ALR 683; [2016] VSCA 248	Procedural fairness – <i>led by R Merkel QC</i>
<i><u>Barnes</u> v Victoria</i>	[2015] VSCA 343	Statutory construction of <i>Disability Act 2006</i> (Vic) – <i>led by R Merkel QC</i>
Supreme Court of Victoria		
<i><u>Methven Croydon Pty Ltd</u> v <u>Bimen Nominees Pty Ltd</u></i>	Settled	Appeal from VCAT decision – <i>led by P H Solomon QC</i>
<i>Herbert Smith Freehills (a firm) v <u>United Petroleum Australia Pty Ltd</u></i>	Ongoing	Breach of contract – <i>led by M D Wyles QC, with T Barry</i>
<i><u>Madaffer</u> v Chief Commissioner of Police</i>	[2017] VSC 652	Application for an extension of time – <i>led by R Merkel QC</i>
<i><u>Mancharam</u> v <u>Ramanlal</u> (as Trustee of the Mancharam Family Trust)</i>	(Unreported, April 2017)	Ex parte freezing order – <i>led by J W K Burnside AO QC</i>
	Ongoing	Breach of trust – <i>led by H Symon QC</i>
<i><u>Ball</u> v Carmack Nominees Pty Ltd</i>	Settled	Specific performance of contract of sale – <i>led by S R Horgan QC</i>
<i>Mackenzie v <u>Roads Corporation</u></i>	Settled	Judicial review – <i>led by F M McLeod SC and S Goubran</i>
<i><u>Clark</u> v Lourey</i>	Settled	Partnership and fiduciary duty claims – <i>led by M I Borsky QC</i>
<i><u>Caydon Cremorne No 1 Development Pty Ltd</u> v Heritage Council of Victoria</i>	Settled	Judicial review of decision of the Heritage Council of Victoria – <i>led by S R Morris QC</i>
<i>Lotus Projects Pty Ltd v <u>Commissioner of State Revenue</u></i>	[2017] ATC 20-609; [2017] VSC 63	<i>Land Tax Act 2005</i> (Vic) – <i>led by C J Horan QC</i>
<i><u>Exton</u> v <u>Extons Pty Ltd</u></i>	[2017] VSC 14	Three day trial; shareholder oppression – <i>led by M D Wyles QC</i>
<i>Michaelides v <u>Commissioner of State Revenue</u></i>	(2016) 103 ATR 207; [2016] ATC 20-567; [2016] VSC 256	<i>Duties Act 2000</i> (Vic) – <i>led by C J Horan QC</i>
<i><u>Impact Funds Management Pty Ltd</u> v Roy Morgan Research Ltd</i>	[2016] VSC 221	Six day trial – <i>led by S R Horgan QC</i>
<i>Mullett v Nixon</i>	[2016] VSC 129	Privilege – <i>led by S B McNicol QC</i> (appearing on behalf of

		the Chief Commissioner of Police)
<i>Rabobank Australia Ltd v <u>Littore</u></i>	(Unreported, November 2015)	Freezing order – <i>led by N Lucarelli QC</i>
<i>Brighton CJ Investment v <u>FCA Australia Pty Ltd</u></i>	(Unreported, August 2015)	Transfer application – <i>led by C G Button</i>
<i><u>Amcors Ltd</u> v Barnes</i>	[2015] VSC 90	Security for costs application
	[2016] VSC 707	38 day trial – <i>led by S B McNicol QC</i>
<i>In the matter of an application for a Preventative Detention Order in respect of Causevic</i>	Ex parte application	Preventative detention order
	(2015) 251 A Crim R 481; [2015] VSC 248	Application for access to court file – <i>led by S P Donaghue QC</i> (appearing on behalf of the applicant for a PDO)
<i>Director of Public Prosecutions v <u>Kaba</u></i>	(2014) 69 MVR 137; [2014] VSC 52	<i>Charter</i> – <i>led by S P Donaghue QC and E M Nekvapil</i>
Victorian Civil and Administrative Tribunal		
<i>Kyneton Bushland Resort Ltd v <u>Commissioner of State Revenue</u></i>	[2017] VCAT 28	<i>Land Tax Act 2005 (Vic)</i> – <i>led by C J Horan QC</i>

Publications, presentations and other academic engagements

Edited collections

Anti-Cartel Enforcement in a Contemporary Age: The Leniency Religion (Hart Publishing, 2015) (co-editor with Caron Beaton-Wells).

Articles

'Act is a Remedy, not a Weapon', *Law Institute Journal* (October 2015) (with David O'Callaghan QC)

'New Perspectives on Australian Constitutional Citizenship and Constitutional Identity' (2012) 33 *Adelaide Law Review* 199.

'Facts and Evidence in Litigation under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and the *Human Rights Act 2004* (ACT)' (2012) 36 *Melbourne University Law Review* 287.

'Revisiting Allegiance and Diplomatic Protection' [2012] *Public Law* 197.

'Just Another Fish in the Sea? The WTO Panel Decision in *US - Tuna III*' (2012) 29 *Environmental and Planning Law Journal* 45.

'"Trading or Financial Corporations" under Section 51(xx) of the *Constitution*: A Multifactorial Approach' (2011) 37 *Monash University Law Review* 12.

'The 'Fatal Conundrum' of 'No-Consideration' Clauses after *Plaintiff M61*' (2011) 39 *Federal Law Review* 303.

'*Wong v Commonwealth*: Missed Opportunities, Contemporary Meaning and the People' (2011) 13 *Constitutional Law & Policy Review* 76.

'Government Duties to Provide Diplomatic Protection in a Comparative Perspective' (2011) 85 *Australian Law Journal* 300.

'Using GATT, Art XX to Justify Climate Change Measures in Claims under the WTO Agreements' (2010) 27 *Environmental and Planning Law Journal*. 346.

'The Consistency of the European Union Renewable Energy Directive with World Trade Organization Agreements: The Case of Biofuels' (2010) 1 *Renewable Energy Law and Policy Review* 33 (with Andrew Mitchell).

Other contributions

Updating Author for chapter on 'Freedom of Information' in CCH's *Local Government Service Victoria*.

Updating Author for subtitle on 'Possession' in *The Laws of Australia* (Update 256).

Australian Recent Developments Correspondent for *Public Law* (2008 – 2009) (with Cheryl Saunders).

Invited presentations

Administrative Law training for Justice Connect (5 August 2016).

'The *Civil Procedure Act* in 2015-2016' (Paper presented to the Law Institute of Victoria, 2 March 2016) (with David O'Callaghan QC).

'*Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Queensland Rail* [2015] HCA 11' (Paper presented at the Gilbert + Tobin Centre for Public Law 2016 Constitutional Law Conference, 12 February 2016).

House of Representatives Standing Committee on Social Policy and Legal Affairs Roundtable on Citizenship and the Constitution (Canberra, 20 March 2015).

'A Pathology of Civil Litigation and the *Civil Procedure Act* in Victoria' (Paper presented to the Law Institute of Victoria, 17 March 2015) (with David O'Callaghan QC).

Other

Reviewer for the *Melbourne University Law Review*, the *University of New South Wales Law Journal* and the *Monash University Law Review*.

Coach, Melbourne Law School team in the Sir Harry Gibbs Law Moot (2016, 2017).