

## Selected Published Decisions – James Byrnes

### **Commercial and general civil matters**

- *Podium Project Marketing Pty Ltd v B Global (Aust) Pty Ltd* [2024] QDC 3  
Application for summary judgment on claim for commission by real estate agent, involving statutory interpretation of the *Property Occupations Act 2014 (Qld)* (*contra* L Copley).
- *BCC Trade Credit Pty Ltd v Thera Agri Capital No 2 Pty Ltd* [2023] NSWCA 20, led by Ian Jackman SC (as his Honour then was).  
Successful defence of appeal by insurer regarding indemnity under insurance policy (*contra* J T Gleeson SC, A Horvath SC and L G Moretti).
- *Lewis v Lewis* [2022] QSC 219, led by David de Jersey KC  
Successful costs determination, with indemnity costs awarded on the basis of a *Calderbank* offer.
- *Lewis v Lewis* [2022] QSC 208, led by David de Jersey KC  
Successful claim regarding the dissolution and winding up of a partnership, with no deduction for claimed remuneration by another partner (including successful defence of counterclaim).
- *Thera Agri Capital No 2 Pty Ltd v BCC Trade Credit Pty Ltd t/as The Bond & Credit Co* [2022] NSWSC 669, led by Jeremy Giles SC  
Successful claim by insured for an indemnity under an insurance policy. This raised issues of construction of insurance contracts, private international law and choice of law (including in respect of public policy and Sharia principles). (*Contra* R Scruby SC and B Smith.)
- *Bibawi v Australian Human Rights Commission* [2022] FCA 607  
Successful application for summary dismissal of appeal.
- *Re 52 The Esplanade Pty Ltd* [2021] QSC 318, led by Gareth Beacham KC  
Successful application for the appointment of a provisional liquidator.
- *Jeffrey v Medical Board of Australia* [2021] QCAT 298  
Occupational regulation matter for the Medical Board of Australia regarding conditions to the applicant's registration.
- *Greer v Greer* [2021] QCA 174  
Costs determination of appeal.
- *Greer v Greer* [2021] QCA 143, led by Michael Hodge KC  
Appeal of Supreme Court decision regarding testamentary capacity (*contra* AJH Morris KC).

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- *YFG Shopping Centres Pty Ltd as Tte & Anor v Valuer-General; Shayher Alliance Pty Ltd as Tte v Valuer-General; Leda Commercial Properties Pty Ltd as Tte v Valuer-General; Lipoma Pty Ltd as Tte v Valuer-General (No 2)* [2021] QLAC 1  
Costs determination of appeal to the Land Appeal Court.
- *The Trust Company Limited v Valuer-General* [2021] QLC 9  
Three appeals against objection decisions on valuations under the *Land Valuation Act 2010 (Qld)* of childcare centres, following trial before the Land Court of Queensland (*contra* JM Horton KC and DA Quayle).
- *RMI Pty Limited v Spray Coupe Pty Ltd* [2021] QCA 37, led by Gareth Beacham KC  
Successful appeal of District Court decision as to construction of contract regarding charges for spraying services.
- *Richardson v Wagner* [2021] QDC 24  
Successful claim on guarantee and indemnity, and response to allegations of unconscionability.
- *YFG Shopping Centres Pty Ltd as Tte & Anor v Valuer-General; Shayher Alliance Pty Ltd as Tte v Valuer-General; Leda Commercial Properties Pty Ltd as Tte v Valuer-General; Lipoma Pty Ltd as Tte v Valuer-General* [2020] QLAC 6, led by Gareth Beacham KC  
Appeal to the Land Appeal Court regarding valuations of shopping centre sites under the *Land Valuation Act 2010 (Qld)* (*contra* D O'Brien KC and J Hastie).
- *The Trust Company Limited v Valuer-General* [2020] QLC 39  
Three appeals against objection decisions on valuations under the *Land Valuation Act 2010 (Qld)* of childcare centres, following trial before the Land Court of Queensland (*contra* DA Quayle).
- *Tolbert v Hicklin* [2020] QSC 199  
Costs determination (*contra* L Nevison).
- *Tolbert v Hicklin* [2020] QSC 166  
Successful claim to uphold a Will and defence of counterclaim regarding alleged informal Will, following trial (*contra* L Nevison).
- *Outram v Public Trustee of Queensland* [2020] QSC 159  
Costs determination (*contra* C Brewer and G Dickson).
- *Spray Coupe Pty Ltd v RMI Pty Ltd* [2020] QDC 78  
Claim as to construction of contract regarding charges for spraying services (successfully appealed, as above).
- *Outram v Public Trustee of Queensland* [2020] QSC 80  
Successful application for compensation under the *Powers of Attorney Act 1988 (Qld)* after loss of entitlement under a Will due to transaction by an attorney (*contra* C Brewer and G Dickson).
- *YFG Shopping Centres Pty Ltd as Tte & Anor v Valuer-General; Shayher Alliance Pty Ltd as Tte v Valuer-General; Leda Commercial Properties Pty Ltd as Tte v*

*Valuer-General; Lipoma Pty Ltd as Tte v Valuer-General; RG Property Three Pty Ltd as Tte v Valuer-General* [2020] QLC 10, led by Gareth Beacham KC

Five appeals against objection decisions on valuations under the *Land Valuation Act 2010 (Qld)* of childcare centres, heard before the Land Court of Queensland (*contra* D O'Brien KC and J Hastie).

- *Geoscience Resource Recovery LLC v Central Petroleum Limited* [2019] 2 Qd R 276; [2018] QCA 216

Appeal regarding the enlivening of jurisdiction for a claim in the Supreme Court of Queensland. This involved issues of private international law and service out of jurisdiction. (*Contra* R Traves KC and D Butler.)

- *Power v Bettergrow Pty Ltd* [2018] QCA 080

Successful defence of appeal following application for summary dismissal. This involved issues of construction of contract, and joint and several liability.

- *Garda Capital Limited v Herron Todd White (Sydney) Pty Ltd* [2018] QSC 79, led by John Peden KC

Application to disallow amendments to defence (*contra* RP Jackson KC and M Jones).

- *Lifepan Australia Friendly Society Limited v S&P Global Inc (Formerly McGraw-Hill Financial, Inc) (A Company Incorporated in New York)* [2018] FCA 379, led by Shane Doyle KC

Application for approval of a proposed settlement for a representative proceeding (acting for objectors).

- *Hilchrist Pty Ltd v Visual Integrity Pty Ltd & Ors* [2018] QDC 97

Defence of contractual claim, including issues of vendor's lien, misrepresentation, and misleading or deceptive conduct (*contra* D de Jersey).

- *Go Gecko (Franchise) Pty Ltd v Plyable Pty Ltd & Anor* [2017] QSC 329

Costs determination and security for costs (*contra* M Martin KC).

- *K J Renfrey Nominees Pty Ltd (as Trustee for the Renfrey Family Trust) v OneSteel Manufacturing Pty Ltd (subject to Deed of Company Arrangement)* (2017) 120 ACSR 117; [2017] FCA 325

Successful application for extension under section 588FM of the *Corporations Act 2001 (Cth)* in respect of the registration of security interests.

- *Howarth v Go Gecko Franchise Pty Ltd & Hockey* [2017] QDC 283

Opposition to application for leave to take a new step in the proceeding and corresponding application for dismissal for want of prosecution (*contra* KA Gothard).

- *Power & Another v Schembri & Another* [2017] QDC 269

Successful application for summary judgment (*contra* GJ Radcliff). This involved the proper construction of a deed of settlement.

## **Administrative law**

### High Court of Australia

- *Dzik v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] HCASL 210, led by Geoffrey Kennett SC
- *ATU19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs & Anor* [2021] HCASL 7
- *EER17 & Ors v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs & Anor* [2020] HCASL 106
- *Tran & Anor v Minister for Home Affairs & Anor* [2019] HCASL 403

### Full Federal Court and Federal Court of Australia

- *Kolora v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FCA 1583
- *NRFX v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FCAFC 187, led by Amelia Wheatley KC
- *DKT20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FCA 1372
- *Kumar (formerly CWRG) v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FCAFC 94
- *Zhang v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FCA 634
- *AOZ23 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FCA 184
- *NRFX v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FCA 21
- *LRMM v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 1571
- *Pillay v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 1535
- *Fehoko v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 1471
- *Faanoi v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 1453
- *CWRG v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 1382
- *Pexbury Pty Ltd v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 660
- *BSU20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 642
- *FGBP v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 253
- *Sri Guru Gobind Singh Transport Pty Ltd v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 118
- *DIE20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 102
- *Batson v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1660
- *HDWH v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1659

- *Fonoti v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1553
- *Kerry v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1355
- *Walker v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1296
- *BCDC v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1114
- *DTCB v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1098
- *LRMM v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1039
- *McRoy v Minister for Home Affairs (No 3)* [2021] FCA 744
- *Kaye v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 604, led by Amelia Wheatley KC
- *Zyambo v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 545
- *McRoy v Minister for Home Affairs (No 2)* [2021] FCA 538
- *McRoy v Minister for Home Affairs* [2021] FCA 537
- *Hunt v Minister for Home Affairs* [2021] FCA 507
- *Dzik v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCAFC 78
- *AAZ19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 407
- *DIN20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 331
- *Muhammad v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 218
- *BJU17 v Minister for Immigration and Border Protection* [2021] FCA 111
- *Dzik v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2020] FCA 1794
- *Palu v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2020] FCA 1736
- *CXB20 v Minister for Home Affairs* [2020] FCA 1667
- *AMO18 v Minister for Home Affairs* (2020) 171 ALD 664; [2020] FCA 1403
- *ATU19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2020] FCA 1165
- *AWG18 v Minister for Home Affairs* [2020] FCA 744
- *CVG20 (No 2) v Minister for Home Affairs* [2020] FCA 690
- *CVG20 v Minister for Home Affairs* [2020] FCA 689
- *BEG17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2020) 170 ALD 266; [2020] FCA 660
- *DWP18 v Minister for Home Affairs* [2020] FCA 153
- *ATM18 v Minister of Home Affairs* [2019] FCA 2120
- *Mouflih v Minister for Home Affairs* (2019) 168 ALD 148; [2019] FCA 1744
- *Minister for Home Affairs v Pham* (2019) 167 ALD 322; [2019] FCA 1689
- *Tran v Minister for Home Affairs* [2019] FCA 1126
- *FRO17 v Minister for Immigration & Anor* [2019] FCA 969

- *DXA17 v Minister for Immigration and Border Protection* [2019] FCA 623
- *Le v Minister for Immigration and Border Protection* (2019) 164 ALD 267; [2019] FCA 427
- *Acuna Plaza v Minister for Immigration, Citizenship and Multicultural Affairs (No. 2)* (2019) 164 ALD 258; [2019] FCA 424
- *Minister for Home Affairs v CAK16* [2019] FCA 322
- *Acuna Plaza v Minister for Immigration, Citizenship and Multicultural Affairs* [2018] FCA 1887
- *Aneja v Minister for Home Affairs* [2018] FCA 1364
- *Tupai v Minister for Home Affairs* [2018] FCA 986
- *Dhingra v Minister for Immigration and Border Protection* [2018] FCA 719
- *BLD16 v Minister for Immigration and Border Protection* [2017] FCA 1400

Federal Circuit Court / Federal Circuit and Family Court of Australia

- *AlB17 v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FedCFamC2G 1017
- *Kaur v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FedCFamC2G 601
- *Duong v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] FedCFamC2G 546
- *Martins v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FedCFamC2G 124
- *FNT17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FedCFamC2G 123
- *DTB21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2023] FedCFamC2G 116
- *BZE21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FedCFamC2G 723
- *Zhang v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FedCFamC2G 656
- *EGF20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FedCFamC2G 207
- *EEQ17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FedCFamC2G 88
- *Kaur as Litigation Guardian of Singh v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCCA 2034
- *Kolora v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (No 3)* [2021] FCCA 1805
- *Kolora v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (No 2)* [2021] FCCA 1240
- *Sri Guru Gobind Singh Transport Pty Ltd v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCCA 1191
- *Su v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCCA 859
- *Kolora v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCCA 669
- *DIE20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCCA 475

- *Alzaben v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCCA 270
- *BEN20 v Minister for Immigration & Anor* [2020] FCCA 3418
- *Pexbury Pty Ltd v Minister for Immigration & Anor* [2020] FCCA 3074
- *Alzaben v Minister for Immigration & Anor* [2020] FCCA 2719
- *EOT17 v Minister for Immigration & Anor* [2020] FCCA 2282
- *GSF18 v Minister for Immigration & Anor* [2020] FCCA 2088
- *Mototabua v Minister for Immigration & Anor* [2020] FCCA 2071
- *Pham & Ors v Minister for Immigration & Anor (No. 2)* [2020] FCCA 1509
- *AAZ19 v Minister for Immigration & Anor* [2020] FCCA 1346
- *Wang & Ors v Minister for Immigration* [2020] FCCA 1252
- *ATU19 v Minister for Home Affairs & Anor* [2019] FCCA 3042
- *EGJ18 & Ors v Minister for Home Affairs & Anor* [2019] FCCA 2782
- *GNW17 & Ors v Minister for Home Affairs & Anor* [2019] FCCA 2753
- *FST18 v Minister for Home Affairs & Anor* [2019] FCCA 2346
- *Bethell v Minister for Home Affairs & Anor* [2019] FCCA 1740
- *FJB17 v Minister for Immigration & Anor* [2019] FCCA 1136
- *EGJ18 & Ors v Minister for Home Affairs & Anor* [2019] FCCA 1097
- *DNG18 & Ors v Minister for Home Affairs & Anor* [2019] FCCA 1030
- *EUR18 & Ors v Minister for Home Affairs & Anor* [2019] FCCA 1002
- *ATM18 v Minister for Home Affairs & Anor* [2019] FCCA 1001
- *Shaw & Anor v Minister for Immigration & Anor* [2019] FCCA 579
- *AP017 v Minister for Immigration & Anor* [2019] FCCA 486
- *Harold v Minister for Home Affairs & Anor* [2019] FCCA 196
- *Tran & Anor v Minister for Home Affairs & Anor* [2018] FCCA 3631
- *AMO18 v Minister for Home Affairs* [2018] FCCA 3379
- *BEG17 & Ors v Minister for Immigration & Anor (No.2)* [2018] FCCA 3022
- *BRJ16 v Minister for Immigration & Anor* [2018] FCCA 2929
- *CAK16 v Minister for Immigration & Anor* (2018) 338 FLR 31; [2018] FCCA 2670
- *DLJ16 v Minister for Immigration & Anor* [2018] FCCA 2576
- *Pham & Ors v Minister for Immigration & Anor* (2018) 337 FLR 378; [2018] FCCA 2522
- *Ahmed v Minister for Immigration & Anor* [2018] FCCA 1339
- *BJU17 v Minister for Immigration & Anor* [2018] FCCA 816
- *Kanu v Minister for Immigration & Anor* [2018] FCCA 435
- *BEG17 & Ors v Minister for Immigration & Anor* [2018] FCCA 216
- *Nguyen & Le v Minister for Immigration and Border Protection* [2017] FCCA 2680
- *DYO16 v Minister for Immigration and Border Protection* [2017] FCCA 2041
- *ATG16 v Minister for Immigration & Anor* [2017] FCCA 1505, led by Michael Hodge
- *DCW16 v Minister for Immigration & Anor* [2017] FCCA 1234
- *DBY16 v Minister for Immigration & Anor* [2017] FCCA 1183
- *Ahmed v Minister for Immigration & Anor* [2017] FCCA 1013
- *BYD16 v Minister for Immigration & Anor* [2017] FCCA 222
- *BFB16 v Minister for Immigration & Anor* [2016] FCCA 2819

### Administrative Appeals Tribunal

- *VLPW v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration)* [2023] AATA 3102
- *Hernandez v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] AATA 1850
- *Mamatta v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration)* [2023] AATA 133
- *Emery v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration)* [2023] AATA 16
- *VLPW v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration)* [2022] AATA 4320
- *FLLB v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration)* [2022] AATA 3387
- *Farcas v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] AATA 5107