

GREENS LIST

BARRISTERS



ANDREW YUILE

BARRISTER - VICTORIAN BAR

BAR ROLL: 2015 | ADMITTED: 2007

CONTACT INFORMATION

Owen Dixon Chambers West, Level 8, Room 6,
205 William St, Melbourne, VIC 3000

Ph: +61 3 9225 8573 | 0421 352 754

Email: ayuile@vicbar.com.au

SOCIAL NETWORK



PROFILE

Andrew practices predominantly in public law, but is also experienced in general commercial law. He has a strong background in administrative law (including migration), constitutional law, immunities and privileges, human rights and discrimination, statutory interpretation and international law. In addition, he appears in commercial matters, including in competition and consumer law, bankruptcy and insolvency, contract law and arbitrations. Andrew is also on the external panel of counsel for the Commonwealth Director of Public Prosecutions and has been briefed for the Victorian Building Authority in disciplinary matters.

Andrew appears in small and large matters, from the Magistrates Court to the High Court. He also advises the private sector and government (State and Federal), including on matters of commercial law, administrative law, statutory interpretation, and Federal and State constitutional law.

Andrew's recent notable matters include:

Commercial and other

- *Swishette Pty Ltd & Letore Pty Ltd v Australian Competition and Consumer Commission* [2017] FCAFC 45 (Full Federal Court; consumer law, trusts, constitutional law), for Swishette and Letore, unled.
 - Appeal from *Australian Competition and Consumer Commission v Clinica Internationale Pty Ltd (In Liquidation) (No 3)* [2016] FCA 284 (Federal Court; consumer law, trusts, constitutional law), for interveners, led by R Merkel QC.
- *AS v Minister for Immigration* (Supreme Court; personal injury class action), for Minister.
 - *AS v Minister for Immigration (Costs Ruling)* [2017] VSC 300 (costs and discontinuance), led by R Stanley QC and J Gorton SC
 - *AS v Minister for Immigration* [2017] VSC 162 (public interest immunity), led by T Begbie.
 - *AS v Minister for Immigration (Ruling No 7)* [2017] VSC 137 (application to declass), led by R Stanley QC and G Livermore.
 - *AS v Minister for Immigration* (2016) 312 FLR 67 (Court of Appeal; statutory duties), led by R Williams QC.
- *Plaintiff S99/2016 v Minister for Immigration and Border Protection* [2016] FCA 483 (Federal Court; tort and immigration), for the Minister, led by G Kennett SC and P Knowles.

Constitutional

- *Doctors for Refugees v Commonwealth* (High Court; constitutional law), ongoing, for Doctors for Refugees, led by R Merkel QC, C Lenehan and D Hume.

- *Opal Storm Pty Ltd and Ors v AFP* [2017] VCC 210 (County Court; constitutional law), for the AFP, led by K Walker QC (written submissions only).

Administrative

- *CTN15 v Minister for Immigration and Border Protection* [2017] FCA 611 (Federal Court; immigration), for the Minister, unled
- *Sagoa v Minister for Immigration and Border Protection* [2017] FCA 418 (Federal Court; immigration; extension of time), for Minister, unled.
- *MZZLD v Minister for Immigration and Border Protection (No 2)* [2017] FCA 31 (Federal Court; immigration, s 39B review), for Minister, unled.
 - *MZZLD v Minister for Immigration and Border Protection* [2016] FCA 1201 (Federal Court; immigration, interlocutory injunction), for Minister, unled.
 - *MZZLD v Minister for Immigration and Border Protection* [2016] FCCA 2368 (Federal Circuit Court; immigration, extension of time), for Minister, unled.
- *MZZYK v Minister for Immigration and Border Protection* [2016] FCA 594 (Federal Court, immigration), for the Minister, unled.
- *MZAJG v Minister for Immigration and Border Protection* [2016] FCA 1045 (Federal Court, immigration) for Minister, unled.
- *Sisalem v Secretary, Department of Social Services* (Federal Court; disability support pension review of decision), ongoing, for Mr Sisalem, led by Gina Schoff QC.
- Numerous Federal Circuit Court immigration matters, unled, including:
 - *DCQ16 v Minister for Immigration & Anor* [2017] FCCA 1409
 - *BND15 v Minister for Immigration & Anor* [2017] FCCA 1226
 - *Cheema v Minister for Immigration & Anor* [2017] FCCA 1618
 - *CKX16 v Minister for Immigration & Anor* [2017] FCCA 447
 - *CBO15 v Minister for Immigration & Anor* [2017] FCCA 76
 - *Kaur & Ors v Minister for Immigration & Anor* [2017] FCCA 50
 - *ALW15 v Minister for Immigration & Anor* [2016] FCCA 3148

Immunities

- *Police v Moussa, Georgiou, Korras, Milla, Ammouchi* (Magistrates Court; committal, disclosure, public interest immunity, legal professional privilege), for the AFP, unled.
- *Police v Setka, Reardon* (Magistrates Court; committal, disclosure, public interest immunity), for the AFP, unled.
- *DPP v D'Amico* (County Court, pre-trial, return of subpoenas, public interest immunity), for the AFP, unled.
- Andrew has also appeared for Victoria Police in the County Court and the Children's Court.

Andrew also holds a junior brief for the Commonwealth in *Apotex Pty Ltd and others v Sanofi and others*, (Federal Court, claim on undertakings given in patent proceedings) ongoing.

Andrew writes a regular summary of High Court cases for the Victorian *Law Institute Journal*, which is reproduced on his blog (<http://www.greenslist.com.au/greens-blog/blogger/ayuile.html>). He is also a monitor of the international law section of the Commercial Bar Association

Before coming to the Bar, Andrew was Counsel Assisting the Commonwealth Solicitor-General, Justin Gleeson SC (2014-2015). In that role, he was briefed as junior counsel for the Attorney-General (Cth) in *Firebird Global Master Fund II Ltd v Republic of Nauru* (2015) 326 ALR 396 (High Court; foreign state immunity) and assisted the Solicitor-General in his preparation of significant matters in the High Court, appellate courts and international courts including:

- *Commonwealth v Director, Fair Work Building Industry Inspectorate & Ors* (2015) 326 ALR 476 (civil penalties);
- *Commissioner of Taxation v Australian Building Systems Pty Ltd (In Liquidation)* (2015) 326 ALR 590 (tax);
- *AstraZeneca AB & Anor v Apotex Pty Ltd* (2015) 323 ALR 605 (patents);

- *Commissioner of the AFP v Zhao* (2015) 255 CLR 46 (proceeds of crime, self-incrimination);
- *CPCF v Minister for Immigration* (2015) 255 CLR 514 (constitutional law);
- *Duncan, NuCoal and Cascade Coal v NSW* (2015) 255 CLR 388 (constitutional law);
- *Macoun v Commissioner of Taxation* (2015) 326 ALR 452 (tax);
- *Timor-Leste v Commonwealth* (Permanent Court of Arbitration, international law);
- *Seizure and Detention of Documents Case (Timor-Leste v Australia)* (International Court of Justice; international law).

Andrew also co-authored advice with the Solicitor-General and assisted in the preparation of advice to government at the highest level.

Before working with the Solicitor-General, Andrew worked in the Office of General Counsel in the Australian Government Solicitor (2010-2014), where he ran a number of significant constitutional matters in the High Court and Federal Court. He also provided advice to government on matters of federal jurisdiction, international law, constitutional law and other areas of public law.

Prior to joining AGS, Andrew worked for Clayton Utz Brisbane as part of their commercial litigation team (2009-2010), and served as Associate to the Honourable Justice Spender of the Federal Court in Brisbane (2008-2009).

Andrew graduated from the ANU in 2007 and holds a BA (with distinction), LLB (first class honours) and GDLP (with distinction).

To get in touch with Andrew Yuile | or for more information please contact the

Clerk on: +61 3 9225 7222 or clerkb@greenslist.com.au

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