LIST G
BARRISTERS

Christopher Fitzgerald



Chris practices in commercial law, public law and regulatory investigations

QUALIFICATIONS

Bachelor of Arts (Melb)
Juris Doctor (Melb)
Master of Laws (Melb)

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Banking & Finance | Bankruptcy | Building & Construction | Class Actions | Commercial Arbitration | Competition | Consumer Law | Contractual Disputes | Corporate Insolvency | Corporations & Securities | Energy & Resources | Equity & Trusts | Insurance | Private International Law | Residential & Retail Tenancies | Wills & Probate | Regulatory Investigations

TORT LAW

Class Actions | Commissions & Inquiries | Defamation | Professional Negligence

PUBLIC LAW

Administrative Law | Appellate | Civil & Human Rights | Commissions & Inquiries | Constitutional Law | Extradition Law | Guardianship & Administration | Immigration | Judicial Review | Native Title | Public International Law

Prior to joining the Bar, Chris was an associate at Allens working in commercial litigation and regulatory investigations. He previously worked in the commercial litigation team at Clayton Utz, before working as an associate to the Hon. Justice Sloss at the Supreme Court of Victoria. Chris also worked at Heinz & Partners, Ballarat

Chris holds a Bachelor of Arts, a Juris Doctor and a Master of Laws from the University of Melbourne. He has lectured Property Law at the university.

Chris read with Liam Brown SC. His senior mentor is Nicholas De Young KC.

Liability limited by a scheme approved under Professional Standards Legislation

Recent Cases

HIGH COURT AND INTERMEDIATE APPELLATE COURTS

ASF17 v Commonwealth of Australia [2024] HCA 19; 98 ALJR 782 (led by L De Ferrari SC, with M Guo) – application of the *NZYQ* and *Lim* principles to non-citizens who are detained and not cooperating in their removal

Bullmore v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2024] FCAFC 99; 304 FCR 370 (led by A F Solomon-Bridge) – appeal from the dismissal of an application for judicial review, including on the ground of alleged apprehended bias

CZA19 v Commonwealth of Australia [2024] FCAFC 66 (led by D Hooke SC) – costs of application seeking orders for mandamus or habeas corpus

CZA19 v Commonwealth of Australia (High Court proceeding M66/2024, judgment reserved) (led by D Hooke SC, with Dr J Donnelly, M Crowley and Dr J Murphy) – application of the *NZYQ* principle to non-citizens detained for the purpose of considering whether to grant them a visa

McKechnie v State of Victoria [2023] VSCA 158 (led by L Brown SC) – application for leave to appeal from an interlocutory costs order

McKechnie v Secretary to the Department of Justice [2024] VSCA 170 (unled) – application for leave to appeal from dismissal of a preliminary discovery application

McKechnie v State of Victoria [2024] VSCA 171 (led by S Fitzgerald) – application for leave to appeal concerning refusal of an application for discovery, including due to alleged inadequacy of reasons and due to alleged apprehended bias

Minogue v Falkingham [2022] VSCA 111 (led by L Brown SC) – application for leave to appeal, including on the ground of alleged apprehended bias

Nkani v Minister for Immigration, Citizenship and Multicultural Affairs [2024] FCAFC 70 (led by David Hooke SC) – appeal concerning alleged failure to lawfully consider the appellant's case in favour of revocation of the cancellation of his visa

Thompson v Minogue [2021] VSCA 358; 67 VR 301 (led by L Brown SC, with S Fitzgerald) – appeal concerning the lawfulness of strip-searching and urinalysis testing in the Victorian prison system and the rights of a prisoner

QYFM v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2023] HCA 15; 409 ALR

65 (led by E Nekvapil SC, with N Boyd-Caine) – application of the *Ebner* principle to a multi-member intermediate appellate court

COMMERCIAL

Mitrov Homes Pty Ltd v Mustafa (No 2) [2023] VSC 386 (unled) – application to set aside self-executing orders and for an extension of time to comply with an order for security for costs

Mitrov Homes Pty Ltd v Mustafa (No 4) [2024] VSC 740 (unled) – costs application

Proprac Nominees Pty Ltd & Anor v Anderson [2023] VCC 403 (led by P H Caillard) – claim for repayment of amounts paid as a loan in accordance with an oral agreement

Proprac Nominees Pty Ltd & Anor v Anderson (No 2) [2023] VCC 571 (unled) – application for costs of the proceeding

World Touring Melbourne v Australian Grand Prix Corporation [2024] VSC 521 (led by N De Young KC, with B Gibson) – claim for damages due to breach of contract and contravention of s 18 of the *ACL* concerning cancellation of a concert to be headlined by Robbie Williams

World Touring Melbourne v Australian Grand Prix (No 2) [2024] VSC 650 (led by N De Young KC, with B Gibson) – claim for penalty interest

ADMINISTRATIVE LAW (FEDERAL)

ABF17 v Commonwealth of Australia [2024] FCA 694 (led by L De Ferrari SC, with Dr N Petrie) – application of the principles from *NZYQ* and *ASF17* to an application for *habeas corpus*

AMA16 v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FedCFamC2G 331 (unled) – application for judicial review, including on a ground of *Li* unreasonableness

AON18 v Minister for Home Affairs [2024] FedCFamC2G 850 (unled) – application for judicial review concerning a decision of the Immigration Assessment Authority

CJO23 v Minister for Immigration, Citizenship and Multicultural Affairs [2024] FCA 1228 (unled) – application for judicial review of a decision to nor revoke the cancellation of the applicant's visa, including due to an alleged failure to consider the relevance of the applicant's duration of ties

DWK22 v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FedCFamC2G 393 (unled) – application for judicial review concerning a decision to refuse the grant of a protection visa

DXI19 v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FedCFamC2G 853 (unled) – interlocutory application seeking production of material in response to a notice to produce

EIC20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2021] FedCFamC2G 282 (unled) – application for judicial review concerning a decision to refuse the grant of a protection visa

EIC20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2022] FCA 1000 (unled) – appeal from decision of the primary judge concerning jurisdictional error arising from findings of fraud by the

Administrative Appeals Tribunal

JGNS and Minister for Immigration, Citizenship and Multicultural Affairs [2023] AATA 3210 (with N Boyd-Caine) – application for review of a decision to not revoke the cancellation of the applicant's visa

Kaur v Minister for Immigration, Citizenship and Multicultural Affairs [2024] FedCFamC2G 51 – dismissal of application for judicial review for non-appearance

Mitchell v Minister for Immigration, Citizenship and Multicultural Affairs [2024] FCA 526 (with Mr N Boyd-Caine) – application for an extension of time and for judicial review of a decision to not revoke the cancellation of the applicant's visa including due to erroneous consideration of the applicant's risk of reoffending

Nguyen v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FedCFamC2G 231 (unled) – application for an extension of time to seek judicial review of a decision refusing to grant the applicant a visa

Nkani v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FCA 1410 (led by L De Ferrari SC) – application for an extension of time and for judicial review of a decision to nor revoke the cancellation of the applicant's visa, including due to alleged extended operation of *Mukasa* and *XJLR*

Puohotaua v Minister for Immigration, Citizenship and Multicultural Affairs [2024] FCA 1491 (unled) – application for an extension of time and for judicial review of a decision to nor revoke the cancellation of the applicant's visa due to an alleged failure to accord procedural fairness to the applicant

Ross v Minister for Immigration, Citizenship and Multicultural Affairs [2024] FCA 734 (with Dr N Petrie) – application for judicial review of a decision to nor revoke the cancellation of the applicant's visa including due to an alleged failure of the decision-maker to consider a mandatory relevant consideration in accordance with a ministerial direction

Singh v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2024] FCA 1273 (unled) – application for judicial review of a decision to nor revoke the cancellation of the applicant's visa including due to an alleged failure of the decision-maker to consider the legal consequences of the decision

Stoneley v Minister for Immigration and Multicultural Affairs [2025] FCA 143 (unled) – application for judicial review of a decision to nor revoke the cancellation of the applicant's visa including due to an alleged failure of the decision-maker to consider the legal consequences of the decision

Tonga v Minister for Immigration, Citizenship and Multicultural Affairs [2023] FCA 1179 (unled) – application for judicial review of a decision to nor revoke the cancellation of the applicant's visa including due to an alleged failure of the decision-maker to consider a mandatory relevant consideration in accordance with a ministerial direction

ADMINISTRATIVE LAW (STATE)

Austin v Dwyer [2024] VSC 435 (unled) – application for leave to appeal under s 109(5) of the *Magistrates' Court Act 1989* (Vic) concerning orders made under the *Personal Safety Intervention Orders Act 2010* (Vic)

Austin v Dwyer [2024] VCC 1221 (unled) – determination of an application for recusal of the primary judge due to alleged apprehended bias

DDD v Magistrates' Court of Victoria [2023] VSC 89 (unled) – contradictor in an application for judicial review concerning the variation and extension of orders made under the *Family Violence Protection Act 2008* (Vic)

Dudley v Secretary to the Department of Justice and Community Safety [2021] VSC 567; 66 VR 403 (led by L Brown SC) – application for judicial review concerning the refusal to grant emergency management days to a prisoner under s 58E of the *Corrections Act 1986* (Vic)

McKechnie v State of Victoria [2022] VSC 801 (unled) – application for judicial review concerning prisoner access to legislation in Victoria, the power of the State executive to enter into contracts for the publication of its legislation, and whether the implied freedom of political communication had been contravened

McKechnie v State of Victoria [2023] VSC 234 (unled) – costs application

McKechnie v State of Victoria [2023] VSC 259 (unled) – interlocutory application concerning prisoner access to computers and the right to a fair hearing

McKechnie v Secretary to the Department of Justice and Community Safety (Weekly Payments Judgment) [2023] VSC 542 (unled) – application for preliminary discovery concerning payments to a prisoner under the *Corrections Act 1986* (Vic)

McKechnie v Secretary to the Department of Justice and Community Safety [2023] VSC 638 (unled) – costs application

McKechnie v Secretary to the Department of Justice and Community Safety [2023] VCAT 905 (unled) – application for summary dismissal of a complaint made by a prisoner under the *Equal Opportunity Act 2010* (Vic) and the *Racial and Religious Tolerance Act 2001* (Vic)

McKechnie v Commissioner for Corrections Victoria [2024] VSC 114 (unled) – application for judicial review and for relief under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) concerning refusal of access to certain phone numbers in the Victorian prison system

McKechnie v Commissioner for Corrections Victoria (Costs Ruling) [2024] VSC 185 (unled) – costs application

McKechnie v State of Victoria (Recusal Application) [2024] VSC 193 (unled) – determination of an application for recusal of the primary judge due to alleged apprehended bias said to arise from conduct in the course of the proceeding and related proceedings

McPadden v Secretary to the Department of Justice and Community Safety [2023] VSC 669 (led by S Fitzgerald) – applications for judicial review of decisions to not grant the plaintiff prisoners further emergency management days under s 58E of the *Corrections Act 1986* (Vic)

Rowson v Depar*tment of Justice (No 2)* [2022] VSC 382 (led by L Brown SC) – application for interlocutory injunctive relief by a prisoner to be released from prison due to health conditions

Union Housing v Nelson [2023] VCAT 1097 (unled) – application for a possession order based on alleged rental arrears

XPU v VWA [2022] VSC 620 (led by J Wheelahan) – appeal from a decision of the VCAT concerning summary dismissal of an application for guardianship and administration orders

REGULATORY

HKTR and NDIA [2022] AATA 150 (unled) – application for review of a decision refusing to grant the applicant

access to the NDIS

Little and The Council of the New South Wales Bar Association [2024] AATA 497 (unled) – application under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) for review of decisions made by the Victorian Bar Inc. and its counterparts in NSW, WA and the ACT concerning registration of the applicant as a barrister