LIST G
BARRISTERS

Jim Hartley



Jim Hartley practises primarily in public and industrial law.

QUALIFICATIONS

Bachelor of Laws (Hons)
Bachelor of Arts

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Bankruptcy | Competition | Contractual Disputes | Corporations & Securities | Taxation

EMPLOYMENT & INDUSTRIAL

Appellate | Discrimination | Employment Contracts | Industrial Disputes | Statutory Employment Rights

PUBLIC LAW

Administrative Law | Appellate | Civil & Human Rights | Constitutional Law | Discrimination | Environment | Immigration | Judicial Review | Native Title | Planning & Local Government

Jim has a broad practice which includes tax, environment and climate change, regulatory, insolvency, land rights and general commercial litigation. He is regularly briefed in complex trials and appeals in matters that are novel, high profile and in the public interest.

Jim's expertise has been recognised in Doyle's Guide as both a leading administrative and public law barrister, and a leading employment law junior counsel. In 2021, he received the Ron Castan AM KC award for outstanding achievement in pro bono advocacy undertaken by barristers who are between one and six-years' call, for "extensive work on complex matters for the advancement of the rights of refugees and those in immigration detention."

Before joining the Bar, Jim was Associate to the Hon. Justice R.R.S Tracey AM RFD, Federal Court of Australia; Associate to the Hon. Justice Mordy Bromberg, Federal Court of Australia, and a solicitor practising in commercial litigation in Canberra.

Jim read with Claire Harris KC (now Justice Harris), and his senior mentor is Rachel Doyle SC.

Liability limited by a scheme approved under Professional Standards legislation.

Recent Cases

PUBLIC LAW

TCXM v Minister for Immigration and Citizenship (High Court of Australia, S146/2025, for the **Human Rights Law Centre** intervening, led by N Wood SC) (matter in relation to scope of power conferred by s 198 of the *Migration Act 1958* (Cth)).

Animals Australia Federation *v CA Sinclair Proprietary Limited* (Victorian Court of Appeal, S EAPCI 2026 0008) (appeal from *Animals Australia Federation v CA Sinclair Proprietary Limited* [2025] VSC 735 and *Animals Australia Federation v CA Sinclair Proprietary Limited (Costs)* [2025] VSC 830) (declarations sought of breach of licence conditions concerning welfare of pigs during slaughter) (led by N Wood SC).

Animals Australia Federation *v The Attorney-General for the State of Victoria & Ors* (S ECI 2024 06284 and S ECI 2023 05563) (judicial review of decisions to unprotect (*i.e.*, enable the killing) of dingoes in certain parts of Victoria) (led by N Wood SC).

Sect., Dept of Justice and Community Safety *-ats- Erickson* (Supreme Court of Victoria, S ECI 2025 05395) (*Charter of Human Rights and Responsibilities Act 2006* (Vic) and other relief sought by prisoner) (led by S Keating SC).

Attorney-General (Commonwealth) v ***Benbrika*** *(No 2)* [2025] VSC 223, *Attorney-General (Cth) v Benbrika* [2025] VSC 83, *Benbrika v A-G (Cth)* (2024) 74 VR 379; [2024] VSC 265, *Minister for Home Affairs v Benbrika (first review)* (2022) 366 FLR 32; [2022] VSC 169, and *Minister for Home Affairs v Benbrika (No 2)* (2021) 362 FLR 104; [2021] VSC 684 (led by D Star QC and G Morgan) (review of continuing detention order and supervision orders made under the Commonwealth Criminal Code).

Save the Children Australia *v Minister for Home Affairs & Anor* [2024] HCATrans 65 and *Save the Children Australia v Minister for Home Affairs* (2024) 304 FCR 262; [2024] FCAFC 81 (led by P Morrissey SC and E Nekvapil SC) (application for habeas corpus concerning women and children in detention in Syria).

***Benbrika** v Minister for Home Affairs* (2023) 280 CLR 1; [2023] HCA 33 (led by C Horan KC and A Aleksov) (constitutionality of provisions enabling cancellation of citizenship).

***Azimitabar** v Commonwealth of Australia* (2004) 303 FCR 282; [2024] FCAFC 52, *Azimitabar v Commonwealth of Australia (No 2)* [2024] FCA 1383, and *Azimitabar v Commonwealth of Australia* [2023] FCA 760 (led by L De Ferrari SC) (legality of "alternative places of detention").

***DXN21** v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2022) 370 FLR 406; [2022] FedCFamC2G 589 (mandamus to compel removal after unreasonable delays).

***Djokovic** v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2022) 289 FCR 21; [2022] FCAFC 3 and *Djokovic v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2022) 366 FLR 163; [2022] FedCFamC2G 7 (led by O P Holdenson QC, N Wood SC, N Dragojlovic) (applications to quash decisions to cancel visa held by Mr Djokovic).

***Danila Dilba Biluru Butji Binnilutlum Health Service Aboriginal Corporation** v Director of Liquor Licensing and Woolworths Group Ltd* (Northern Territory Supreme Court, 2021-00517-SC, led by A Wheatley QC and N Wood) (matter in relation to approval by the first respondent of a "Dan Murphy's" liquor store in Darwin).

*Commonwealth v **AJL20*** (2021) 273 CLR 43; [2021] HCA 21 and *AJL20 v Commonwealth of Australia* (2020) 279 FCR 549; [2020] FCA 1305 (application for a writ of habeas corpus in regard to a person in immigration detention, whether legality of immigration detention is conditioned by a requirement that a purpose of detention be pursued).

Minister for Home Affairs v DMA18 (2020) 270 CLR 372; [2020] HCA 43 (for **Marie Theresa Arthur as litigation representative for BXD18**) (led by C Horan QC, L De Ferrari SC, and S Gold) (whether section 494AB of the *Migration Act 1958* (Cth) deprived Federal Court of jurisdiction to hear matters alleging breach of a duty owed to asylum-seekers in regional processing countries).

***Animals Australia Federation** v Secretary, Department of Agriculture, Water and the Environment* [2020] FCA 905 (challenge to decision granting exemption to permit live-export of sheep to the middle east) (led by D Star QC, N Wood, A Aleksov).

***CFE16** v Minister and **CFD16** v Minister* [2020] FCCA 1083.

*Secretary, Department of Home Affairs v **CCA19*** (2019) 273 FCR 271; [2019] FCAFC 209, *CCA19 v Secretary, Department of Home Affairs* (2019) 165 ALD 503; [2019] FCA 946 (led by C Horan QC and E Bennett) (concerning the interpretation of the so-called "Medivac" legislation).

***BEL16** v Minister for Home Affairs* (2019) 80 AAR 170; [2019] FCA 1678.

***CCA19** v Minister for Home Affairs* [2019] FCA 939 (led by E Bennett) (interlocutory application seeking to have an asylum-seeker removed from Nauru for medical treatment, amongst various other such applications in which I held briefs).

FRM17 v Minister for Home Affairs (2019) 271 FCR 254; [2019] FCAFC 148 for **DJA18 as litigation representative for DIZ18 and for Marie Theresa Arthur as litigation guardian for BXD18** (led by C Horan QC and L De Ferrari SC).

***AON15** v Minister for Immigration and Border Protection* (2019) 269 FCR 184; [2019] FCAFC 48 and ***AKH16** v Minister for Immigration and Border Protection* (2019) 269 FCR 168; [2019] FCAFC 47 (led by N Wood).

***Animals Australia Federation** v Sect., Dept. of Agriculture & Anor* (Federal Court of Australia, VID 688 of 2018,

led by D Star QC and N Wood) (judicial review application in relation to decision of Secretary to approve a particular live-export shipment of sheep to the Middle East).

Rirratjingu Aboriginal Corporation & Ors v Northern Land Council & Ors , Federal Court of Australia NTD 8 of 2017 (for the Third Respondent and Cross-claimant, **Djalu Gurruwiwi**) (judicial review of a purported decision of, and private law action against, a Land Council, on behalf of a traditional Aboriginal owner of land).

INDUSTRIAL LAW

Air Pilots Award variation (AM2025/14 and AM2026/4) (for the **Australian Federation of Air Pilots**) (led by K Burke SC).

Police Federation of Australia (Victoria Police Branch) *v Chief Commissioner of Police (Victoria)* (Full Court of the Federal Court of Australia, VID 1124 of 2025) (appeal from *Police Federation of Australia (Victoria Police Branch) v Chief Commissioner of Police (Victoria)* [2025] FCA 865) (led by K Burke SC).

The Ambulance Employees Association of Western Australia Incorporated v United Workers' Union & Ors (for **Victorian Ambulance Union Incorporated**, intervening) (Full Court of the Federal Court of Australia, WAD 79 of 2025) (led by E White).

Ardeen Pty Ltd & Ors v ***Shop Distributive and Allied Employees Association*** *& Anor* (Full Court of the Federal Court of Australia, SAD 152 of 2025) (led by J Firkin KC).

United Firefighters' Union of Australia *v Minister for Emergency Services Victoria (No 2)* [2025] FCAFC 179 and *United Firefighters Union of Australia v Honourable Jaclyn Symes* [2024] FCAFC 158 (led by H Borenstein KC).

United Firefighters' Union of Australia *v Fire Rescue Victoria* (2025) 342 IR 354; [2025] FWCFB 177 (appeal from *United Firefighters' Union of Australia v Fire Rescue Victoria* [2025] FWC 892).

Corporate Air Charter Pty Ltd & Anor v ***Australian Federation of Air Pilots*** [2025] HCADisp 152 (led by P Herzfeld SC), *Corporate Air Charter Pty Ltd v Australian Federation of Air Pilots* [2025] FCAFC 45 and *Corporate Air Charter Pty Ltd v Australian Federation of Air Pilots* [2024] FCA 1225.

Applications by ***Australian Nursing and Midwifery Federation*** [2024] FWCFB 452, *Aged Care Award 2010* (2024) 331 IR 137; [2024] FWCFB 150, and various others (work value case for aged care, and then subsequently for rest of nursing profession) (led by J McKenna).

Yes Insurance Group Pty Ltd v ***Fair Work Ombudsman*** [2024] FCA 1366 (led by D Siemensma).

Fair Work Ombudsman *v Ho* [2024] FCAFC 111 (led by J Firkin KC).

Retail and Fast Food Workers' Union Inc *v Woolworths Group Ltd* (Federal Court of Australia VID 1018 of 2023) (proceeding alleging contraventions of *Fair Work Act 2009* (Cth) in connection with elimination of overnight shifts).

Labour Hire Licensing Authority *v A L Star Express Pty Ltd* [2023] VSC 711.

Labour Hire Licensing Authority *v Ung Services Pty Ltd* [2022] VSC 740.

Wong v ***National Australia Bank Limited*** (2022) 318 IR 148; [2022] FCAFC 155 (led by R Doyle SC).

The **Australian Salaried Medical Officers' Federation** and others against various respondents (various matters in the Federal Court of Australia, VID419/2021 VID774/2021, VID700/2021, VID210/2021, VID115/2021, led by C

Dowling SC and K Burke).

Construction, Forestry, Maritime, Mining and Energy Union *v Abseal Pty Ltd* [2021] FCA 1513.

Hobsons Bay City Council v ***Australian Municipal, Administrative, Clerical and Services Union*** [2021] FWC 6037 and *Australian Municipal, Administrative, Clerical and Services Union v Hobsons Bay City Council* [2021] FCA 806.

Association for Employees with a Disability *v Commonwealth of Australia* (2021) 283 FCR 561; [2021] FCAFC 36 (led by M Harding SC).

Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union *(AMWU) v Glass Expansion Pty Ltd & Ors* (Federal Court of Australia, VID 373 of 2020).

Application by DP World Melbourne Limited [2019] FWC 6788, ***Construction, Forestry, Maritime, Mining and Energy Union*** *v DP World Melbourne Limited* (2019) 290 IR 128; [2019] FWCFB 6430 *DP World Melbourne Limited v Construction, Forestry, Maritime, Mining and Energy Union (No 2)* [2019] FCA 1331, *DP World Melbourne Limited v Construction, Forestry, Maritime, Mining and Energy Union* [2019] FCA 1209 (led by E White).

Maribyrnong City Council v ***Australian Municipal, Administrative, Clerical and Services Union*** (2019) 369 ALR 704; [2019] FCA 773 (led by C Dowling SC).

Applications by CPB Contractors Pty Limited and John Holland Pty Ltd [2019] FWC 1122 (for the **Australian Workers' Union**).

Construction, Forestry, Maritime, Mining and Energy Union *v CPB Contractors Pty Ltd and the Australian Workers' Union* (2018) 280 IR 293; [2018] FWCFB 3702 (led by S Moore QC).

OTHER - COMMERCIAL, TAXATION, ENVIRONMENT AND CLIMATE CHANGE, NATIVE TITLE

Commissioner of Taxation v ***Baya Casal*** [2026] FCAFC 11 (taxation) (led by R Doyle SC) (appeal from *Baya Casal v Deputy Commissioner of Taxation* (2025) 338 IR 264; [2025] FCA 87).

Kimberley Land Council Aboriginal Corporation *v Ngarrawanji Aboriginal Corporation RNTBC* [2026] FCA 2 (Native Title) (led by R Merkel SC).

KMD v CEO (Department of Health NT) (2025) 99 ALJR 474; [2025] HCA 4 (supervision orders) (written submissions only, led by E Nekvapil SC).

Zhu v ***Commissioner of State Revenue*** *(Review and Regulation)* [2025] VCAT 926 (State tax).

Central Australian Frack Free Alliance Inc *v Minister for Environment (Costs)* [2025] NTSC 54 and *Central Australian Frack Free Alliance Inc v Minister for Environment* (2024) 389 FLR 250; [2024] NTSC 75 (climate change, led by E Nekvapil SC).

Madafferi v The King [2025] VSCA 114 (for **Department of Premier and Cabinet**) (Criminal procedure) (led by S Keating SC).

Kyle-Sailor v Heinke (No 2) [2025] FCA 33 (class action under the Racial Discrimination Act 1975 (Cth) (led by R Merkel SC).

Cyril Rioli & Ors v Hawthorn Football Club Ltd (discrimination and negligence) (Federal Court of Australia, VID 728

of 2024) (led by K Foley SC, E Nekvapil SC, and S Gold).

RSPCA Australia and the Department of Agriculture, Fisheries and Forestry (Freedom of Information) [2024] AICmr 33 (freedom of information).

Karajarri Traditional Lands Association (Aboriginal Corporation) RNTBC v State of Western Australia (2024) 307 FCR 122; [2024] FCA 1114 (Native Title, Federal Court procedure) (led by R Webb KC).

***Environment Council Of Central Queensland INC**. v Minister for the Environment And Water & Anor* [2024] HCASL 201, *Environment Council of Central Queensland Inc v Minister for the Environment and Water (No 2)* [2024] FCAFC 97, *Environment Council of Central Queensland Inc v Minister for the Environment and Water* (2024) 304 FCR 91; [2024] FCAFC 56, *Environment Council of Central Queensland Inc v Minister for the Environment and Water (No 3)* (2023) 420 ALR 404; [2023] FCA 1532 , and *Environment Council of Central Queensland Inc v Minister for the Environment and Water (No 2)* (2023) 413 ALR 318; [2023] FCA 1208 (climate change, led by E Nekvapil SC).

BXD18 (by her litigation representative Marie Theresa Arthur) v Minister for Home Affairs (No 2) (2024) 301 FCR 392; [2024] FCA 16 (negligence) (led by T Brennan SC).

A Judicial Officer v The Judicial Conduct Commissioner and the Judicial Conduct Panel (2022) 368 FLR 462; [2022] SASCA 42, and the underlying inquiry before the Judicial Conduct Panel, for a complainant/witness (judicial conduct).

Dunn v Young (Legal Practice) [2021] VCAT 970 (negligence, consumer protection).

Re Albert (a barrister) and McLean (a solicitor) [2021] VSC 297 (professional discipline).

Garbett v Liu (No 3) (2020) 273 FCR 51; [2020] FCAFC 91 , *Garbett v Liu (No 2)* (2020) 273 FCR 44; [2020] FCAFC 14, and *Garbett v Liu* (2019) 273 FCR 1; [2019] FCAFC 241 (elections).

Kocakahya v Cutting Edge Fabrication Pty Ltd [2020] ACTMC 10 (contracts).

Ozaltay v Atilla (No 3) [2020] VSC 34 (costs).

Mi v Li [2018] ACTCA 66 (arbitration).

Leda Commercial Properties Pty Ltd v Brenda Hungerford Pty Ltd (2018) 13 ACTLR 252; [2018] ACTCA 17 (commercial leasing, misleading or deceptive conduct).

Daniel Miller v Graeme Miller and Graeme Miller Wines Pty Ltd [2018] VSCA 1 (practice and procedure).

Briefed to appear in the Hotel Quarantine Program Inquiry (led by D Star QC, J Davidson).

Memberships

Melbourne subcommittee of the Insolvency and Reconstruction Law Committee of the Law Council of Australia.

Commercial Bar Association - CommBar Climate Change Committee

Industrial Bar Association

Migration Bar Association

Federal Dispute Resolution Section, Law Council of Australia

Business Law Section, Law Council of Australia