

Georgina Costello QC



Georgina Costello QC appears and advises in commercial and property matters, common law cases involving negligence and nuisance claims, regulatory and administrative law matters, and proceeds of crime matters.

QUALIFICATIONS

Bachelor of Arts
Bachelor of Laws (Hons)(Melb)

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Building & Construction | Contractual Disputes | Corporations & Securities | Equity & Trusts | Insurance | Real Property | Superannuation

TORT LAW

Class Actions | Negligence | Professional Negligence

PUBLIC LAW

Administrative Law | Appellate | Freedom of Information | Immigration | Judicial Review

Georgina Costello QC appears in trials, appeals and judicial review applications in a broad range of areas, including:

- professional liability, torts and insurance matters
- property law
- administrative law and migration cases
- proceeds of crime matters
- regulatory proceedings
- cases about fraud/ forgeries

Georgina did articles at Mallesons Stephen Jaques in 2000 and was a property lawyer there before coming to the Bar in 2003. She was appointed Silk in and for the State of Victoria in 2019.

She is admitted to the New York Bar, and worked as a commercial litigator at US law firm Fried Frank Harris Shriver and Jacobson LLP in 2006-2007.

In 2007-2008, she worked for the World Bank in Washington DC, and then the United Nations Food and Agriculture Organization in Italy, on matters related to fraud, misconduct and corruption investigations.

Liability limited by a scheme approved under Professional Standards legislation

Recent Cases

EXAMPLES OF CURRENT AND RECENT CASES

Director, Consumer Affairs Victoria v Vic Solar Pty Ltd (No2) [2021] FCA 26, consumer law case in the context of door to door sales of solar panels and inverters.

C & F Nominees Mortgage Securities Ltd v Karbotli [2021] VSCA 134, property law appeal involving a fraudulent mortgage and indefeasibility provisions.

Dadashy v Scholte [2021] VSC 246, judicial review of a County Court criminal conviction.

Fire Rescue Commissioner v Building Appeals Board [2021] VSC 217, judicial review of a fire safety decision.

DVO16 v Minister for Immigration and Border Protection; BNB17 v Minister for Immigration and Border Protection [2017] HCA 12, High Court appeal regarding impact of interpreter errors in a migration case.

Minister for Home Affairs v DUA16; Minister for Home Affairs v CHK16 [2020] HCA 46, High Court appeal regarding the impact of fraud in a migration case.

Chetcuti v Commonwealth of Australia [2020] HCA 42, constitutional law case regarding the aliens power.

Bald Hills Wind Farm Pty Ltd v South Gippsland Shire Council [2020] VSC 512, regarding judicial review of a Council decision about nuisance and wind farms.

Full Joy Foods Pty Ltd v Australian Dairy Park Pty Ltd [2020] VSC 672, regarding setting aside a commercial arbitration.

Australian Education City v Victorian Planning Authority [2020] VSC 177, regarding judicial review of a decision made by Cabinet.

Member of the plaintiff team in the ongoing "Robodebt" class action in the Federal Court involving unjust enrichment and negligence claims.

Counsel for a former member of the Victorian Police in the Royal Commission into the Management of Police Informants.

ERY17 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 357, appeal regarding judicial review principles around "internal relocation" within a refugee's country of origin.

Minister for Home Affairs v DUA16 [2019] FCAFC 221, Full Federal Court appeal regarding the impact of fraudulent conduct on an administrative decision.

Counsel for the Director of Public Prosecutions in a series of proceeds of crime matters including a county court trial in *Nguyen v Director of Public Prosecutions* [2019] VCC 165.

McGrath and Director-General, National Archives of Australia [2020] AATA 1790, a case about access to documents in the National Archives regarding the Timor Gap and oil negotiations.

Minister for Immigration and Border Protection v CPA16 [2019] FCAFC 40, migration appeal (Full Federal Court).

Kio v Minister for Home Affairs (No 2) [2019] FCA 1293 and *Kio v Minister for Home Affairs* [2019] FCA 579, judicial review case concerning a visa refusal on character grounds.

Chetcuti v Minister for Immigration and Border Protection [2019] FCAFC 112, migration appeal (Full Federal Court).

Counsel for an industry superannuation fund in the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

CEU19 v Minister for Immigration, Citizenship and Multicultural Affairs [2019] FCA 1050, case concerning negligence claims and transfer of a refugee from Nauru

MZAOL v Minister for Immigration and Border Protection [2019] FCAFC 68, migration appeal (Full Federal Court).

Counsel for the plaintiffs in a Victorian Supreme Court case alleging negligence regarding land contamination and nuisance: *Samawi v Wellington Shire Council & Anor* | S CI 2017 01949 (resolved out of court in 2018).

Lam v Lam & Ors; Lam v Nguyen & Ors [2017] HCASL 282, *Lam v Lam (No 2)* [2017] VSCA 247, *Lam v Lam* [2017] VSCA 173, *Lam v Lam & Ors* [2016] VSC 298, counsel for the respondents at trial and in subsequent appeals in a case concerning alleged fraud and forgeries in the context of property law matters.

Majid Karami Kamasae v The Commonwealth of Australia & Ors (Victorian Supreme Court) member of the Counsel team for the plaintiff in the Manus Island class action, which settled in 2017.

AGG17 v Commonwealth of Australia [2018] FCA 242, case involving public interest immunity claims in the context of an ADJR Act proceeding concerning seizure and forfeiture of an alleged bogus document.

Shrestha v Minister for Immigration and Border Protection, Ghimire v Minister for Immigration and Border Protection, Acharya v Minister for Immigration and Border Protection [2018] HCA 35; (2018) 359 ALR 22, counsel for the three appellants in High Court appeals concerning the construction of student visa related legislation.

BXK15 v Minister for Immigration and Border Protection [2018] FCAFC 76, counsel for the appellant in a Full Federal Court appeal in relation to judicial review of a protection visa decision.

BRF038 v Republic of Nauru [2017] HCA 44, (2017) 349 ALR 67, Counsel for the appellant in a High Court appeal from the Supreme Court of Nauru regarding procedural fairness in judicial review.

Memberships

Victorian Bar - Commercial Bar Association

Victorian Bar - Common Law Bar Association

Victorian Bar - Migration Law Bar Association

Chair of the Law Council of Australia's Migration Law Committee