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Andrew Byrne

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PROFILE

Practice	Commercial & equity; corporations; insurance; tax & revenue; administrative; real property
Called	NSW Bar, 2015 (admitted as solicitor 2003)
Recognition	The Legal 500 Asia Pacific 2026, Australia Bar: Leading Junior
Previously	Commercial litigator, Allens, 2003–2014

SELECT CASES

By area: Appellate | Corporations and insolvency | Equity and commercial | Insurance | Revenue | Competition and consumer | Administrative law

Most recent first within each area. Citations link to the published judgments where available.

Appellate

Merciful Group Inc v Norfina Ltd t/as Suncorp Bank [2026] NSWCA 155
NSWCA (Bell CJ, Leeming & Stern JJA). Led by S Balafoutis SC, for Islamic charity customer. Bank's contractual power to close accounts immediately "to protect… Legitimate Interests"; construction of standard terms containing drafting error; whether power required an opinion reasonably formed; AML/CTF context; special leave application on foot.

Bolton v WAM Active Ltd (No 2) [2025] NSWCA 99
NSWCA (Bell CJ, Leeming & Kirk JJA). Led by G Sirtes SC, for appellant director. Members' meeting under Corporations Act s 249F to remove board of listed company; administrators appointed evening before; chair's purported adjournment; whether non-member representative could chair; points not taken at trial; s 1322.

Yowie Group Ltd v Keybridge Capital Ltd [2025] NSWCA 142
NSWCA (Leeming JA). Led by G Sirtes SC, for appellant. Injunction pending appeal against meeting requisitioned by majority shareholder to replace directors; Takeovers Panel jurisdiction; conditional takeover bid; improper purpose; s 201A.

Abdallah v Paco Nominees Pty Ltd [2025] NSWSC 1267
NSWSC (Payne JA). Unled, for appellant. Appeal from NCAT Appeal Panel in building dispute; party left self-represented after refusal of adjournment; test for admitting fresh evidence; constructive failure to exercise jurisdiction.

Inndeavor Apartment Wolli Creek Pty Ltd v Maroun Pty Ltd [2024] NSWCA 237
NSWCA (Ward P, Stern & McHugh JJA). With R Harvey, for respondents. Construction of term "arrears" in handover agreement under leases subject to rent reduction arrangements; accord and satisfaction; withdrawal of trial concessions; unpleaded case on appeal.

Yi v Park [2024] NSWCA 187
NSWCA (Bell CJ, Mitchelmore & Adamson JJA). Led by L Ellison SC, for respondent. Forbearance to sue as consideration; whether debt was presently owing; Contracts Review Act; supporting judgment on basis not pleaded or run below.

Chief Commissioner of State Revenue v E Group Security Pty Ltd (No 2) [2022] NSWCA 259
NSWCA (Brereton JA, Simpson & Griffiths AJJA). Led by S Balafoutis SC, for Chief Commissioner. Payroll tax on intra-group supply of security workers; whether parent–subsidiary arrangements were employment agency contracts (Payroll Tax Act s 37). Related: [2022] NSWCA 115 (Bell CJ, Gleeson and Leeming JJA; challenge to the "UNSW Global" construction of s 37(1)); [2023] NSWCA 63 (costs; Calderbank offer); [2023] HCASL 48 (special leave refused). First instance: [2021] NSWSC 1190; [2021] NSWSC 1296 (Ward CJ in Eq; led by R Seiden SC).

Chief Commissioner of State Revenue v Elanor Operations Pty Ltd [2022] NSWCA 222
NSWCA (Macfarlan & Gleeson JJA, Griffiths AJA). Led by S Balafoutis SC, for Chief Commissioner. Discretion to de-group under Payroll Tax Act s 79; hotel management entities within stapled listed group. First instance: [2022] NSWSC 104; (2022) 160 ACSR 618; [2022] NSWSC 275 (costs; model litigant obligations) (Ward CJ in Eq).

Liability limited by a scheme approved under Professional Standards Legislation

Norton Property Group Pty Ltd v Ozzy States Pty Ltd (in liq) [2020] NSWCA 23
NSWCA (Leeming, Payne & White JJA). Led by N Kidd SC, for appellants. Buyer's agency agreement for options over seven development parcels; entitlement to commission where options acquired but not exercised; construction of standard form; misleading conduct.

EVS17 v Minister for Immigration and Border Protection [2019] FCAFC 20; (2019) 268 FCR 299
FCAFC (Allsop CJ, Markovic & Steward JJ). Unled, for appellant. Material before delegate not given to Immigration Assessment Authority; materiality of error.

Gunasegaram v Blue Visions Management Pty Ltd [2018] NSWCA 179; (2018) 129 ACSR 265
NSWCA (Basten, Meagher & Gleeson JJA). Led by J Giles SC, for employer. Fiduciary duties of departing senior employees; conflict between duty and interest; novation of client contract to company they controlled; knowing assistance; misleading conduct; deceit. Appeal from [2017] NSWSC 255 (Ball J).

DAO16 v Minister for Immigration and Border Protection [2018] FCAFC 2; (2018) 258 FCR 175; (2018) 353 ALR 641
FCAFC (Kenny, Kerr & Perry JJ). Unled, for appellant. Tribunal's credibility findings about sexuality; illogicality and legal unreasonableness; adequacy of reasons.

Aulakh v Minister for Immigration and Border Protection [2018] FCAFC 91
FCAFC (Tracey, Mortimer & Moshinsky JJ). Unled, for Minister. Skilled visa refused for false work reference (PIC 4020); legal unreasonableness; new contentions on appeal.

Levers Solomon Ltd v Lavukal Investment Company Ltd, CAC 15/2018
Court of Appeal of Solomon Islands. Unled, for appellants. Standing; authority to commence proceedings and instruct solicitors in company dispute.

Issa v Cambridge Law Pty Ltd, NSWCA 2015/349485
NSWCA. Led by C Birch SC. Advocate's immunity; solicitors' fiduciary duties. Settled.

Corporations and insolvency

In the matter of Novati Constructions Pty Ltd (subject to a DOCA) [2026] NSWSC 1031
NSWSC, Corporations List (Black J). Unled, for creditor claiming guarantees. Judicial advice to deed administrators (IPS s 90-15); entitlement to original bank guarantees; competing claims of creditor, directors and issuing bank; PPSA.

In the matter of Keybridge Capital Ltd [2025] NSWSC 240; (No 2) [2025] NSWSC 354; (No 3) [2025] NSWSC 423
NSWSC, Corporations List (Nixon J). Led by A Broadfoot KC, for three removed directors of ASX-listed company. Contest for board control; s 249F meeting; appointment of voluntary administrators evening before; adjournment sine die; proper purpose; solvency and letters of comfort; ending administration (s 447A); administrator's indemnity and costs.

Allotz.com Ltd (in liq) v Galbally, NSD1863/2024; [2025] FCA 546
FCA (Goodman J). Unled, for former chairman and secured lender. Claims arising from appointment of receiver; validity of appointment and alleged defaults; directors' duties and transfer of patents to US entity; unconscionable conduct (ASIC Act; ACL); interlocutory: notice to produce set aside (s 37M).

D&K Byrnes Consulting Pty Ltd v Nuvola Group Pty Ltd, NSWSC and FCA (2024–25)
Unled, for 50% shareholder and director. 50/50 company; oppression (Corporations Act ss 232–233); compulsory buy-out at fair value; related Federal Court proceedings. Settled.

Big Un Ltd (in liq) v Evertz, 2021/307804; [2022] NSWSC 546
NSWSC (Henry J). Unled, for liquidator. Claims against former officers of media group for breach of directors' duties (s 1317H); related voidable transaction claims against professional advisers (s 588FF); substituted service by text and LinkedIn.

Balout v Bella Ikea Cronulla Pty Ltd (No 2) [2024] NSWSC 1173
NSWSC, Expedition List (Rees J). Unled, for purchaser. 50/50 property-holding joint venture; derivative claims (s 237) for director's breach of ss 180–181 and purchasers' knowing involvement (s 79); restraint of sales; costs where proceedings overtaken (UCPR r 42.20).

In the matter of Maleny Tricorp Hotel Pty Ltd [2020] NSWSC 1699
NSWSC (Emmett AJA). Led by C Birch SC, for plaintiffs. Removal of director; interaction of constitution and shareholders' agreement; abandonment, frustration and waiver.

In the matter of Iconic Constructions Australia (NSW) Pty Ltd (in liq) [2020] NSWSC 834
NSWSC, Corporations List (Black J). Unled, for examinee. Setting aside examination summons for non-disclosure.

In the matter of Clarkes Pty Ltd, 2018/248782
NSWSC. Led by C Birch SC. Directors' and fiduciary duties; doctrine of unanimous assent; assignment of choses in action. Settled. Costs: [2019] NSWSC 1693 (Slattery J; acceptance of $10 offer of compromise).

Gasnier v Gasnier Pty Ltd, 2016/176014
NSWSC. Led by D Miller SC, for plaintiff. Oppression in family company; winding up of corporate trustee and trust. Settled. Interlocutory: [2019] NSWSC 833 (Stevenson J; subpoenas; legitimate forensic purpose).

Sharpe v Grobbel (South Pole Holding), 2016/384961
NSWSC. Led by J Giles SC, for defendants. Shareholder dispute; enforceability of term sheet; derivative proceedings (ss 236–237). Settled. Interlocutory: [2017] NSWSC 2 (Robb J; extension of injunction refused); [2017] NSWSC 1065 (Brereton J; common interest privilege).

Equity and commercial

Alamin v Islam [2026] NSWSC 1188
NSWSC (Meek J). Led by T Castle SC, for plaintiffs. Breakdown of joint ventures for Shariah-compliant land development; rectification of $3.25m settlement deed for common intention ("mutual gestalt"); fiduciary duties between venturers; silence as misleading conduct; unilateral mistake; duties of cooperation and good faith; trustee for sale (Conveyancing Act s 66G).

D & V Co Pty Ltd v Nguyen [2026] NSWSC 1240
NSWSC (Scruby J). Unled, for outgoing shareholder. Restraint of trade on sale of shares in restaurant business; interlocutory injunction; undertakings in lieu; balance of convenience; expedition. On foot.

ALDI Foods Pty Ltd v Chatswood Place Retail Pty Ltd, 2025/403729
NSWSC, Commercial List. For landlord. Market rent review under retail lease; validity and service of review notice; effect of service on nominated officer. Settled.

Merciful Group Inc v Bendigo and Adelaide Bank Ltd (2026)
NSWSC. For Islamic charity customer. Validity of notice closing accounts. Settled.

Goulston v Bogasi Pty Ltd [2025] NSWSC 989; (No 2) [2025] NSWSC 1359
NSWSC (Kunc J). Unled, for plaintiff. Three related family property and estate proceedings; express trust over real property; estoppel; exceptions to indefeasibility; construction of testamentary gifts; costs; equitable lien for costs of recovering estate property.

Baeg v Wink Singh Pty Ltd (No 2) [2025] NSWSC 873
NSWSC (McGrath J). Unled, for purchasers. Vendor's termination while order for specific performance remained uncompleted; whether termination accepted as repudiation; vacating order; damages for loss of bargain.

Bachour Enterprises Pty Ltd v Munzer [2024] NSWSC 1601; (No 2) [2025] NSWSC 30; (No 3) [2025] NSWSC 531
NSWSC, Expedition List (Rees J). Unled, for purchaser. Sale of business under heads of agreement; identifying vendor by construction; unconscionable conduct (special disadvantage); misrepresentation; non est factum; specific performance and account; Calderbank offers; referee's report on lost profits.

Tan v King [2023] NSWSC 1035; (No 2) [2023] NSWSC 1616
NSWSC, Commercial List (Stevenson J; Rees J). Led by J Hutton SC, for investors. $18.3m invested through financial adviser's group; breach of fiduciary and trustee duties; fraudulent misrepresentation and non-disclosure; best interests duty and licensee liability (Corporations Act ss 917B, 961M, 1041I); constructive trusts; interrogatories in aid of freezing orders; self-incrimination certificates (Evidence Act ss 128, 128A). Settled.

IWC Industries Pty Ltd v Union Fidelity Capital Funding Pty Ltd (NSWSC, Peden J, 3 August 2023)
Unled, for plaintiff. Whether loan brokerage fee was payable; formation where offeror's prescribed method of acceptance was not followed.

Saffari v Amazon.com Inc [2022] FCA 535; [2022] FCA 1132; [2022] HCASL 149; [2024] FCA 436
FCA (Cheeseman J; Goodman J); HCA. Unled, for Amazon respondents. Privacy Act and contract claims by self-represented applicant; service on foreign corporations; leave to appeal interlocutory decisions; apprehended bias; security for costs; strike out.

AMP Capital Investors Ltd v Willis Australia Ltd [2022] NSWSC 1415
NSWSC (White J). Led by C Birch SC, for tenant. Option to renew commercial lease: conditional contract or irrevocable offer; waiver of conditions; withdrawal of exercise notice; construction of base rent.

Woolworths Group Ltd v Patties Foods Pty Ltd, 2020/160992
NSWSC, Commercial List. Led by J Giles SC, for Woolworths. Supply agreement; contractual indemnity and damages for losses from product recalls. Settled.

Westpac Banking Corporation v Daizli, 2021/5387
NSWSC. Unled, for Westpac. Claims against former employee for breach of contract and statutory duties (s 1317H); equitable compensation; restitution; freezing order. On foot.

Caason Investments Pty Ltd v Cao (No 4) [2020] FCA 91; [2020] FCA 1246
FCA (Murphy J). Unled, for litigation funder. Settled shareholder class action; reimbursement and further payments from settlement fund; application against funder out of time; construction of funding agreement; costs.

McVeigh v Retail Employees Superannuation Pty Ltd, NSD1333/2018; [2019] FCA 14
FCA (Perram J). Led by J Lockhart SC, for trustee. Superannuation trustee's duties and disclosure regarding climate change risk (Corporations Act s 1017C); maximum costs order. Settled.

Nazoner Pty Ltd v Vow Financial Pty Ltd, 2019/260527
NSWSC. Led by M Jones SC, for Vow Financial. Mortgage aggregator's broker agreement; implied terms from industry practice. Settled.

Real Asset Management Pty Ltd v Mortgageport Management Pty Ltd, 2020/208242
NSWSC. Unled, for Mortgageport. Scope of agency; repudiation. Settled.

Eden Investment Group Pty Ltd v Nationaland Holdings Pty Ltd, 2019/144454
NSWSC. Unled. Misleading conduct; directors' and fiduciary duties; breach of contract. Settled.

IBM Australia Ltd v Nextgen Networks Pty Ltd, 2016/373440
NSWSC. Led by M Darke SC, for Nextgen. IT services contract; breach of contract; misleading conduct. Settled.

Sports Marketing & Management Pty Ltd v Australian Rugby Union Ltd, 2016/360652
NSWSC. Led by P Brereton SC, for ARU. Breach of contract. Settled.

Commonwealth Bank of Australia v Clapham [2015] NSWSC 1714
NSWSC (Darke J). Led by D Sulan, for bank. Finance for acquisition of macadamia farms; alleged misleading representations and non-disclosure by lender; assumption of advisory role; unconscionable conduct; Contracts Review Act.

NSW TAFE Commission v Cordoba, 2015/264987
NSWSC. Led by S Balafoutis SC, for TAFE. Freezing order; money had and received; unjust enrichment. Settled.

Saints Management Pty Ltd v Rufford, 2015/149051
NSWSC. Unled, for defendants. Misrepresentation; unconscionable conduct; Contracts Review Act; estoppel. Settled.

National Australia Bank Ltd v Jawad, 2016/335909
NSWSC. Unled, for bank. Freezing order; restitution; constructive and resulting trusts. Settled.

Insurance

In the matter of Clear Skies Corp Pty Ltd (in liq), 2025/173746; [2025] NSWSC 1467
NSWSC, Corporations List (Nixon J). Unled, for insurance broker. Liquidator's insolvent trading and directors' duties claims (ss 180–182, 588G, 588M); leave to proceed directly against D&O underwriters (Civil Liability (Third Party Claims Against Insurers) Act s 5); policy exclusions; alternative claim in negligence against broker. Discontinued.

Keppel Holdings Pty Ltd v Knightcorp Holdings Pty Ltd, WASC CIV 1894/2023
WASC. For insurance broker. Fire at waste recycling facility; claim declined for non-disclosure of prior prosecution and of fire and security systems; broker's duty in completing proposal; causation; business interruption and rebuild loss. On foot.

MS Amlin Corporate Member Ltd v LU Simon Builders Pty Ltd [2023] FCA 581; (No 2) [2023] FCA 745
FCA (Jackman J). Led by S Lawrance SC, for broker. Combustible cladding claims against builder; excess layer professional indemnity cover; whether notice of facts revealed by building fire was sufficient under ICA s 40(3) for claims on other buildings; whether expert opinion can be "facts"; collateral agreement with insurers; costs of separate question.

Hiscox Dedicated Corporate Member Ltd v 360 Underwriting Solutions Pty Ltd, 2022/89348
NSWSC, Commercial List. Led by S Lawrance SC, for coverholder. Lloyd's binding authorities; whether student travel policies were written outside coverholder's authority; indemnity to syndicates; cross-claim for representations by slip leader; claims against broker.

Darshn v Avant Insurance Ltd [2021] FCA 706; (2021) 154 ACSR 1; [2021] FCA 232; [2021] FCA 1035
FCA (Moshinsky J; Allsop CJ). Led by M Jones SC, for Medical Insurance Australia. Claims-made medical indemnity policy; doctor joined to class action after policy period; notification of circumstances (ICA s 40(3)); known circumstances exclusions; utmost good faith; production; costs.

Australian Executor Trustees Ltd v Chubb Insurance Australia Ltd, 2015/171592
NSWSC. Led by G Rich SC, for insurers. Excess layer cross-claims by defendant in representative proceeding; ICA ss 40(3), 54. Settled.

Revenue

Lou v Chief Commissioner of State Revenue [2019] NSWCATOD 9
NCAT (Senior Member Isenberg). Unled, for Chief Commissioner. Land tax; principal place of residence exemption; onus.

Newcastle Security Pty Ltd v Chief Commissioner of State Revenue, 2018/268402
NSWSC. Led by R Seiden SC, for Chief Commissioner. Payroll tax; employment agency contracts. Settled.

Unified Security Group (Aust) Pty Ltd v Chief Commissioner of State Revenue, NCAT 1610352
NCAT. Led by N Hutley SC and T Wong, for Chief Commissioner. Payroll tax; employment agency contracts. Settled.

Commissioner of Taxation v Ornelas [2016] FCA 457
FCA (Bromwich J). Led by J Giles SC, for Commissioner. Recovery of tax debts; freezing orders; voidable dispositions (Conveyancing Act s 37A); constructive and resulting trusts; summary judgment (FCA Act s 31A).

Commissioner of Taxation v Anatax; *Commissioner of Taxation v Nadim*, NSD1620/2015
FCA. Led by J Giles SC, for Commissioner. Recovery of tax debts; freezing orders; s 37A; restitution; constructive and resulting trusts. Settled.

Competition and consumer

Rhino Play Pty Ltd v Eaglestone, NSD2141/2017
FCA. Led by N Murray SC. Breach of contract; misleading conduct; contractor's fiduciary duties; confidential information. Settled.

Nautitech Systems Pty Ltd v Kearsey, NSD1844/2016
FCA. Led by M Condon SC. Breach of contract; misleading conduct; contractor's fiduciary duties; copyright; confidential information; summary judgment.

Administrative law

Wongchalee v Minister for Immigration and Multicultural Affairs [2025] FedCFamC2G 1281
FedCFamC2 (Judge Egan). Unled, for applicant. Partner visa; construction of Migration Regulations; findings without evidence.

Jani v Minister for Immigration, Citizenship and Multicultural Affairs [2024] FedCFamC2G 52
FedCFamC2 (Judge Given). Unled, for applicant. Non-disclosure certificate revoked and reissued (Migration Act s 376); misstatement of its effect; procedural fairness.

EXT17 v Minister for Immigration [2022] FedCFamC2G 1071
FedCFamC2 (Judge Given). Unled, for applicant. Protection obligations (ss 5J, 36); relocation and immutable characteristics.

CMC16 v Minister for Immigration [2022] FCA 121
FCA (Rofe J). Unled, for appellants. Protection visa; findings without probative evidence; jurisdictional error.

EXU17 v Minister for Immigration and Border Protection [2018] FCA 1675
FCA (Griffiths J). Unled, for applicant. Extension of time (Migration Act s 477(2)); unduly narrow approach below.

FSR17 v Minister for Immigration [2018] FCCA 2931
FCCA (Judge Howard). Unled, for applicants. Failure to invite comment (ss 424A, 424AA); legal unreasonableness.

Smith v Australian Prudential Regulation Authority [2017] FCA 807
FCA (Nicholas J). Led by S Rushton SC, for applicant. Revocation of disqualification under Insurance Act s 26 following HIH collapse.

Amoorthum v Minister for Immigration and Border Protection [2016] FCA 277

FCA (Tracey J). Unled, for applicant. Character test (s 501); submissions not placed before Minister; legal unreasonableness; procedural fairness.

Schembri v Racing NSW (2019); *Mitchell v Racing NSW* (2017–18)

Racing Appeals Tribunal; Racing NSW Appeal Panel. Unled, for licensees. Stewards' jurisdiction; weight of evidence; procedural fairness; penalty.

Greyhound Racing NSW Inquiry into the Unauthorised Export of Greyhounds (2018)

Counsel assisting. Aiding and abetting unauthorised export.

ALLENS (2003–2014)

Commercial litigation, principally financial services, trade practices, taxation and insurance disputes. Examples:

ASIC v Macquarie Bank Ltd (Storm Financial), 2010–13, NSWSC and FCA: misrepresentation and unconscionable conduct in margin lending.

Seven Network Ltd v News Ltd, 2004–06, FCA: trade practices and confidential information claims concerning AFL broadcast rights.

ASX 50 infrastructure group and ATO, 2009–14: ITAA 1997 s 974-80; distributions within stapled structures (resolved without proceedings).

ASX 50 investment bank and ATO, 2011–12: ITAA 1936 Pt IVA; cross-border transactions (resolved without proceedings).

NSW SICOR v Lloyd's Syndicates, 2007–11, NSWSC, NSWCA and HCA: reinsurance of GIO structured settlements; late notification.

HIH v General Reinsurance Australia Ltd, 2004–09, arbitration, NSWSC and NSWCA: trade credit and professional indemnity reinsurance.

EDUCATION

2000	USYD, LLB (First Class Hon). Walter Reid Prize; Allens clerkship; World Universities Debating
1996	UNSW, BComm (Finance & Accounting). Accenture Scholarship; World Universities Debating.
1993	St Ignatius' College, Riverview. NSW Schools State Debating Team.