

TIM BEGBIE KC

Bachelor of Laws (1A Hons) – Australian National University 1995
Bachelor of Science – Australian National University 1994

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Admitted to the legal profession
1995

Appointed Senior Counsel
2020

Also entitled to practise in
Australian jurisdictions (Commonwealth, State and Territory)

Tim has over 20 years' experience as counsel, with a broad national practice in commercial regulation, public law and appellate litigation. He appears regularly in the High Court and intermediate appellate courts, as well as other courts and tribunals throughout Australia.

Tim has particular expertise in regulatory and civil penalty litigation involving major Commonwealth regulators. He has appeared in cases spanning consumer, commercial, corporations, taxation and industrial law, as well as leading cases in the High Court.

More broadly, his counsel practice has included a wide array of appeals, test cases and other hearings involving complex questions of statutory construction, administrative law, constitutional law, intentional torts, commercial law, taxation, investigative powers, national security, industrial and employment law, disciplinary matters, defence and international relations, privileges and immunities, inquiries, inquests and Royal Commissions, criminal law and Parliamentary privilege.

Tim was appointed as Commonwealth Queen's Counsel in 2020 and has served as acting Solicitor-General of the Commonwealth. He is a fellow of the Australian Academy of Law and a long-term member of the ACT Bar.

Before coming to the NSW Bar, Tim commenced practice in commercial litigation at Mallesons and then worked at the ACT Director of Public Prosecutions, appearing in a wide range of criminal cases. He then developed a counsel practice in public law at AGS, where he became the professional leader of AGS's national dispute resolution practice.

PROFESSIONAL EXPERIENCE

2022 – 2026: Chief Counsel, Dispute Resolution, AGS
Acting Solicitor-General of the Commonwealth (various dates)

2001 – 2022: Australian Government Solicitor (practicing as counsel from 2006)

1997 – 2001: Prosecutor, ACT Director of Public Prosecutions

Liability limited by a scheme approved under Professional Standards Legislation.

1995 – 1997: Solicitor, Mallesons Stephen Jaques, Litigation

PROFESSIONAL MEMBERSHIPS

Fellow of the Australian Academy of Law (from 2024)

NSW Bar Association (from 2026)

ACT Bar Association (from 2009)

SELECTED CASES

High Court

Poulton v Conrad (H1/2026 – reserved) (for Commissioner of Taxation, appearing as acting Solicitor-General) – Property and torts – Appeal concerning whether Bitcoin is "property" for the purpose of the tort of conversion.

Minister for Planning v IGA Retail Services Pty Ltd (M103/2025 -reserved) (for Cth Attorney-General) – Constitution and judicial review – Application of *Kirk* doctrine to supervisory review of decisions under planning legislation.

Australian Securities and Investments Commission v Web3 Ventures Pty Ltd [2026] HCA 21 (for ASIC, appearing as acting Solicitor-General) – Statutory construction and financial regulation – Application of financial services licence requirements to cryptocurrency investment firm.

Abdel-Hady v Commonwealth of Australia [2026] HCA 17 (for Cth with Solicitor-General, sharing argument) – Constitution and false imprisonment – Whether rule of law considerations support novel defence to the tort of false imprisonment.

SunshineLoans Pty Ltd v Australian Securities and Investments Commission (2026) 100 ALJR 489 (for ASIC) – Apprehended bias and civil penalties – Whether recusal required in bifurcated civil penalty hearing.

CD v The Commonwealth of Australia; CD v Director of Public Prosecutions (SA) (2025) 99 ALJR 1388 (for Cth Attorney-General in *CD v DPP*) – Statutory construction and law enforcement – Whether AFP's use of ANoM application in "Operation Ironside" contravened the *Telecommunications Interception Act*.

Laming v Electoral Commissioner of the Australian Electoral Commission (2025) 99 ALJR 1260 (for AEC) – Statutory construction and civil penalties – Proper construction of penalty provisions.

Queensland v Stradford; Commonwealth v Stradford; His Honour Judge Vasta v Stradford (2025) 99 ALJR 396 (for the Cth with Solicitor-General, sharing argument) – Judicial immunity and false imprisonment – Liability of inferior court judge and detaining officers for imprisonment following upon invalid orders.

Crime and Corruption Commission v Carne (2023) 280 CLR 555 (for the Cth Attorney-General) – Parliamentary privilege – Application of privilege to judicial review of corruption findings.

Qantas Airways Limited v Transport Workers Union of Australia (2023) 278 CLR 571 (for Minister) – Industrial law – Reach and effect of general protections in *Fair Work Act*.

Government of the Russian Federation v Commonwealth of Australia (2023) 97 ALJR 545 (for the Cth) – Constitution – Injunction application pending constitutional challenge to Commonwealth legislative acquisition of Russian embassy site.

Australian Building and Construction Commissioner v Pattinson (2022) 274 CLR 450 (for ABCC with Solicitor-General, sharing argument) – Civil penalties and criminal sentencing – Purpose of, and relevant limits on, the imposition of civil penalties.

Commonwealth v Helicopter Resources (2020) 270 CLR 523 (for the Cth, with Solicitor-General) – Evidence law and accusatorial principle – Whether a company officer who is a "controlling mind" can be compelled to give answers that could be used in relation to the prosecution of the company.

Taylor v Attorney-General (Cth) (2019) 268 CLR 224 (for Cth Attorney-General, with Solicitor-General) – Criminal practice – The prosecutorial discretion and the nature of Attorney-General's consent in prosecutions for genocide offences.

Commonwealth v Director, Fair Work Building Industry Inspectorate (2015) 258 CLR 482 (for the Cth, with Solicitor-General) – Civil penalty practice – The nature of civil penalties and whether penalty submissions are subject to prosecutorial limits on sentencing submissions.

Intermediate appellate courts

Commonwealth Director of Public Prosecutions v Clarke (a pseudonym) [2026] QCA 219 (for CDPP) – Criminal law and practice – Appeal against permanent stay of prosecution based on claimed misuse of compulsory powers by the ATO – administration of justice.

TESA Group Pty Ltd v Mining and Energy Union [2026] FCAFC 86 (for Cth Attorney-General) – Constitution and parliamentary privilege – Application of parliamentary privilege in relation to recusal decision – whether subject to Chapter III limit explained in *Graham*.

R v Macchiavelli (Question Of Law Reserved No 1 of 2026) [2026] SASCA 42 (for Cth Attorney-General) – Law enforcement and statutory construction – Whether Major Controlled Operation authorisations for the AFP's "Operation Ironside" were invalid.

Director of Public Prosecutions (NSW) v President of the Legislative Council of New South Wales [2026] NSWCA 20 (for Cth Attorney-General) – Constitution and parliamentary privilege – Application of parliamentary privilege in relation to recusal decision – Whether subject to Chapter III limit explained in *Kable*.

eSafety Commissioner v Baumgarten (2026) 315 FCR 44 (for eSafety Commissioner) – Judicial review – Appeal from Guidance Appeals Panel as to the nature of a "decision" amenable to ART review.

Palmer v Australian Securities and Investments Commission (2025) 312 FCR 151 (for CDPP) – Criminal procedure and judicial review – Appeal against temporary stay of judicial review proceedings which fragmented prosecution. (Special leave refused.)

Australian Securities and Investments Commission v SunshineLoans Pty Ltd (2025) 308 FCR 514 (for ASIC) – Apprehended bias – Whether recusal required in two-stage civil penalty hearing.

Mensink v Registrar of the Federal Court of Australia (2024) 304 FCR 471 (for Registrar) – Contempt and civil practice – Appeal as to whether Court lacked jurisdiction because substituted service was not effective in contempt proceeding. (Special leave refused)

R v CD & TB (Questions Of Law Reserved Nos 1 and 2 of 2023) [2024] SASCA 82 (for Cth Attorney-General) – Law enforcement and statutory construction – Whether AFP's use of ANoM application in "Operation Ironside" contravened the *Telecommunications Interception Act.*

Electoral Commissioner of the Australian Electoral Commission v Laming (2024) 304 FCR 561 (for AEC) – Civil penalties and statutory construction – Appeal regarding the number of contraventions arising on proper construction of the *Electoral Act* and penalties to be imposed.

Viagogo AG v ACCC [2022] FCAFC 87 (for ACCC, with Stern SC leading associated liability appeal) – Consumer law – Appeal against penalties imposed for misleading ticket website.

Collaery v The Queen (2021) 21 ACTLR 1 (for Cth Attorney-General with Kirk SC and Mitchelmore SC, sharing oral argument) – National security – Appeal against secrecy orders made under the *National Security Information Act.*

Comptroller-General of Customs v Inchcape Shipping Services Pty Limited (2021) 7 QR 198 (for Customs) – Customs prosecutions – Reach and operation of accessorial liability.

Palmer v Magistrates Court of Queensland (2020) 3 QR 546 (for CDPP and ASIC) – Crminal law and procedure – Appeal against orders striking out a collateral challenge to prosecution. (Special leave refused.)

Bluescope Steel (AIS) Pty Ltd v Australian Workers' Union (2019) 270 FCR 359 (for Commissioner of Taxation) – Industrial law and superannuation – Construction of superannuation guarantee scheme.

Migration Agents Registration Authority v Frugtniet (2018) 259 FCR 219 (for MARA) – Administrative law and privileges – Application of the privilege against self-exposure to a penalty in AAT proceedings. (Special leave refused.)

Deputy Commissioner of Taxation v Rennie Produce (Aust) (2018) 260 FCR 272 (for DCT) – Compulsory powers and contempt – Test case on the operation of the *Harman* obligation in the context of compulsory powers.

Australian Building and Construction Commissioner v CFMEU (2017) 271 IR 321 (for ABCC, on remittal from High Court) – Civil penalty practice – Availability of course of conduct and totality principles.

Carrigan v Senator Cash [2017] FCAFC 86 (for Senator Cash) – Judicial review and parliamentary privilege – Appeal against summary judgment ordered by reason of parliamentary privilege.

ASIC v Whitebox Trading (2017) 251 FCR 448 (with Solicitor-General) – Statutory construction – Proper construction of civil penalty provisions.

Danthanarayana v Commonwealth of Australia [2016] FCAFC 114 (for Cth) – Practice and procedure, torts and industrial law – Appeal from summary judgment of tort and adverse action claims against Department of Defence officials.

Director, Fair Work Building Industry Inspectorate v Construction, Forestry, Mining and Energy Union (2015) 229 FCR 331 (for the Cth, with Solicitor-General) – Criminal sentencing and civil penalty practice– Whether penalty submissions are subject to prosecutorial limits on sentencing submissions.

Yasmin v Attorney-General (2015) 236 FCR 169 (for Attorney-General) – Judicial review – Availability of judicial review in respect of duty to exercise prerogative of mercy.

Teys Australia Beenleigh Pty Ltd v Australasian Meat Industry Employees Union (2015) 230 FCR 565 (for Minister) – Judicial review and industrial law – Quashing of decision to approve enterprise agreement.

Federal and Supreme Courts

Australian Securities and Investments Commission v AustralianSuper Pty Ltd (2025) 172 ACSR 615 (for ASIC) – Corporations and civil penalties – Penalties for widescale non-compliance with superannuation account merger requirements.

Australian Securities and Investments Commission v Mercer Superannuation (Australia) Limited [2024] FCA 850 (for ASIC) – Civil penalties – Penalties for "greenwashing" by superannuation trustee.

eSafety Commissioner v X Corp (2024) 303 FCR 354 (for eSafety Commissioner) – Regulatory injunctions – Extraterratorial reach of takedown orders in relation to Wakely stabbing video.

Knight v Defence Force Ombudsman (2024) 182 ALD 397 (for Ombudsman) – Judicial review – Handling of complaint by Defence Abuse Response Taskforce.

Attorney-General (Commonwealth) v Ghazzawy [2024] NSWSC 208 (for Cth Attorney-General) – National security – Application for post-sentencing supervision orders for terrorist offender.

Carr v Attorney-General (Cth) (2023) 300 FCR 562 (for Cth Attorney-General) – Constitution and construction – Whether voluntary assisted dying is comes within the meaning of "suicide" - Whether s 109 inconsistency with Cth criminal offences.

R v Collaery (No 12) (2022) 298 A Crim R 154 (for Cth) – National security offences – Proper construction of elements of offences under the *Intelligence Services Act* – Setting aside subpoenas.

ACCC v Trivago NV (No 2) (2022) 159 ACSR 353 (for ACCC) – Civil penalties – Misleading conduct in relation to international travel booking site.

R v Collaery (No 11) (2022) 296 A Crim R 332 (for Cth Attorney-General) – Constitution and national security – Availability of special counsel to examine secret evidence under the *National Security Information Act* – Related arguments under Chapter III of the Constitution.

Water Efficiency Labelling and Standards Regulator v Renaissance Traditional Bathrooms Pty Ltd [2022] FCA 1456 (for WELS Regulator) – Regulatory law – Contraventions of water standards by companies and director.

La Mancha Africa SARL v Commissioner of Taxation (2021) 113 ATR 846 (for Commissioner) – Taxation – ATO test case regarding reach and effect of statutory powers to use information.

ACCC v Australian Institute of Professional Education Pty Ltd (in liq) (No 5) (2021) 397 ALR 208 (for ACCC) – Consumer law – Penalties for unconscionable conduct.

ACCC v Telstra Corporation Limited (2021) 392 ALR 614 (for ACCC) – Consumer law – Penalties for unconscionable conduct in relation to vulnerable indigenous Australian consumers.

Plaintiff M83A/2019 v Morrison (No 2) [2020] FCA 1198 (with T Howe QC, shared oral argument) – Misfeasance – Summary judgment in class action against Prime Minister and others for alleged misfeasance in relation to offshore detention.

ACCC v Birubi Art Pty Ltd (in liq) (No 3) (2019) 374 ALR 776 (for ACCC) – Consumer law – Misleading conduct in relation to Indigenous Australian art.

Commissioner of Taxation v Pavihi [2019] FCA 2056 (for Commissioner) – Taxation and superannuation – Civil penalties for unlawful promotion of superannuation schemes.

PUBLICATIONS AND PRESENTATIONS

Selected Presentations

Federal Court Perspectives on Litigation and Written Advocacy: Chairing presentation to ACT legal profession with Justice Perry and Justice Goodman, Canberra (September 2026)

Navigating Federal Court Appeals – A View from the Bench: Chairing presentation to ACT legal profession with Justice Kennett and Justice Stellios, Canberra (September 2025)

Judicial Immunity – the evolving balance of public interests: Australian Academy of Law (Michael Coper Roundtable), High Court, Canberra (July 2025)

Civil penalties: ACT Bar Association Conference, Shine Dome, Canberra (March 2025)

Administrative law, dark matter and the light of reason: AGS Administrative Law Forum, National Convention Centre, Canberra (December 2024)

Essentials of practice in the Federal Court: Panel presentation to ACT legal profession with Justice Katzmann, Justice Charlesworth and Justice Horan, Federal Court, Canberra (September 2024)

The Role of Government Lawyers: Government Law Group lecture with Solicitor-General, National Library Theatre, Canberra (November 2023)

Issues in integrity – navigating pitfalls in disclosure: Keynote address, Employment Law Forum, Realm Hotel, Canberra (October 2023)

Harman obligation and parliamentary privilege: Presentation to ACT Bar Association and ACT Law Society, Blackburn Chambers, Canberra (July 2023)

Lecture series: selected issues in public law: A series of public law lectures for faculty and students at the ANU College of Law, ANU, Canberra (2022)

Procedural fairness – where to from here? AGS Administrative Law Forum, National Gallery, Canberra (November 2022)

Issues with prosecuting insider leaks: National Security Forum, Realm Hotel, Canberra (June 2022)

Misfeasance in public office: Presentation to ACT Bar Association, Blackburn Chambers, Canberra (June 2022)

Who do you serve? The lawyer-client relationship: Presentation to the Fiji Attorney-General's conference, online (Dec 2021)

Penalty privilege and privilege against self-incrimination in administrative proceedings: Administrative Law Forum, Hyatt Hotel, Canberra (March 2019)

Tribunal hearings involving national security and other sensitive issues – providing procedural fairness: Council of Australasian Tribunals Conference, presentation with Director-General of Security, QT Hotel, Canberra (June 2018)

Privileges and protections: Government Law Group lecture series presented to government lawyers around Australia (Canberra, Sydney, Melbourne, Brisbane, Adelaide) (throughout 2018)

Panel: The Legal Profession's view: OECD Conference on Pecuniary Penalties in Australia, Sydney (March 2018)

Workshop: Advocacy Intensive: Training for Attorney-General lawyers, Solomon Islands, Honiara (September 2017)

Civil penalties: punishment and the primacy of deterrence: Judicial Conference, Melbourne (2017)

Duties to the court: Government Law Group lecture with the Hon Justice Lindsay Foster of the Federal Court, National Library, Canberra (September 2016)

Parliamentary powers, privileges and pitfalls: Government Law Group lecture with Dr Rosemary Laing, Clerk of the Senate, National Library, Canberra (June 2016)

Book chapter

The purpose of civil penalties in "The Law of Civil Penalties" Federation Press (2023)

AGS Legal Briefings

Misfeasance in public office – Legal Briefing 115

Duties to the Court – Legal Briefing 107

Parliamentary Privilege – Legal Briefing 95

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Administrative Law
Appellate
Competition and Consumer
Corporations and Securities
Cryptocurrency
Trade Practices

COMMON LAW

Appellate

PUBLIC AND ADMINISTRATIVE LAW

Alternative Dispute Resolution
Appellate
Constitutional Law
Disciplinary Proceedings
Judicial review and Admin Law
Public Law

TAXATION AND REVENUE

Appellate

INDUSTRIAL / EMPLOYMENT LAW

Civil and Human Rights
Disciplinary Proceedings
Employment Law
Government Inquiries
Investigations

INQUESTS AND INQUIRIES

Commissions of Inquiry
Coronial Inquests
Investigations and Inquiries
Royal Commissions

CRIMINAL

Appellate

SECTORS

Banks and Financial Institutions
Defence
Government
High Net Worth Individuals and groups

Industrials

Professional Services