

Gavin Rebetzke

Barrister-at-Law
ABN 59 914 895 295

Wilberforce Chambers
Level 10
239 George Street
Brisbane Qld 4000
T: 07 3211 5306
M: 0414 336491
rebetzke@qldbar.asn.au

Curriculum vitae

Work history:

- Articled Clerk, Roberts & Kane Solicitors (1993-4)
- Employed solicitor, Roberts & Kane Solicitors (1995-2000)
- Partner, Roberts & Kane Solicitors (2000-2007)
- Barrister-at-Law, Brisbane (2007-)

Education:

- Senior Certificate (1987, Heatley State High School, Townsville)
- BA (1991, University of Queensland)
- LLB (1994, University of Queensland)

Experience:

- 25 years experience as a lawyer, including as a solicitor working in a full service general practice law firm located in Brisbane CBD servicing the Queensland Nurses' Union and clients referred by that union to the firm (including 7 years' executive experience as a partner of that firm), and subsequently 13 years' experience practising as a barrister.
- Experienced in industrial and employment law including appearances in the State and Federal industrial commissions, Magistrates Court of Queensland (and Industrial Magistrates Court), Industrial Court of Queensland, Federal Court and Federal Circuit Court, in: appeals, demarcation disputes, right-of-entry disputation, public sector arbitration, unfair dismissal, general protections claims, misleading and deceptive conduct, restraint of trade, and workers' compensation proceedings.
- Special interest in Defamation law, with experience settling pleadings and advice work including pre-publication advice for a Queensland publisher (acknowledged by the author in: Condon, M, *All Fall Down*, UQP, 2015, p.569; and Condon, M, *Little Fish Are Sweet*, UQP, 2016, p.276).
- Significant experience and interest in professional disciplinary proceedings in relation to health professionals including appearances before the Professional Conduct Committee, Nursing Tribunal and QCAT.
- Substantial coronial practice – both as a solicitor and continuing at the bar to present. Appearances in hearings throughout the length and breadth of Queensland, and in NSW. Cases including: mental health, medication error, hospital care, police shooting, midwifery care, sudden unexpected death of infant, death in custody, train run-over, aged care, underground coal mining.
- Criminal law experience including trial work as a barrister in the Supreme, District and Magistrates Courts, and previously as a solicitor on the Legal Aid panel of preferred suppliers (including life matters).
- Trial and applications experience in the Planning and Environment Court.

- Facilitation (since 2014), of the session at the Bar Practice Course “*Diversity in Practice*” (formerly titled “*Dealing with People from Minority Groups*”).
- *Pro Bono* advice and appearance work for a range of individuals and organisations.
- Author of ‘*Evidence by Interpreter: Be Prepared!*’ (2009) 93 Precedent 23, 23, which is referenced in Supreme Court of Queensland, *Equal Treatment Bench Book*, Second Edition, 2016.
- Experienced in advising on and arguing judicial review applications of migration decisions including character cancellations, refugee claims, refusal of partner visas, student visas, 457 visas, and public interest criterion refusal.
- Experienced in personal injury litigation across the various statutory schemes (motor vehicle, workers’ compensation, PIPA).
- Experienced in and special interest in Total and Permanent Disablement and income protection benefit litigation involving superannuation funds and insurers.
- Experienced in negotiating outcomes in mediations, conciliation and settlement conferences.

Reported cases

Flori v Winter (2019) 3 QR 22 (unled against silk)

McLaren v Rallings & Ors [2015] 1 Qd R 438

Friend & Ors v Brisbane City Council (2013) 196 LGERA 337; [2013] QPEC 23; (2013) QPELR 547

Silver v Rogers (2012) 224 IR 439

Parker v President, Industrial Court of Queensland [2010] 1 Qd R 255 (led by Stephen Keim SC)

Re Boeing Australia Ltd (2007) 166 IR 371 (unled against silk)

(Other selected appearances are listed in Appendix A)

Professional memberships

Australian Institute of Administrative Law

Australian Lawyers for Human Rights (National Treasurer 2012-13)

Bar Association of Queensland

Industrial Relations Society of Queensland

Community involvement

Vice President, Brisbane Symphony Orchestra Inc. (current)

Board member, Ensemble Q Australia Inc. (current)

Member, Dutton Park State School P&C (2016, 2017, 2020)

Past Board Member, Southern Cross Soloists Advisory Board, and Southern Cross Soloists

Donations Account Administrative committee

Appendix A: Selected appearances

Appellate

Flori v Winter & Ors [2019] QCA 282; (2019) 3 QR 22 (unled against silk)
Parker v The President of the Industrial Court of Queensland & Anor [2010] HCATrans 53 (led by Stephen Keim SC)
Parker v President, Industrial Court of Queensland [2010] 1 Qd R 255 (led by Stephen Keim SC)
Lane v Q-COMP (C/2009/34) (Hall P, 11 December 2009) [2009] ICQ 7
Re Boeing Australia Ltd (2007) 166 IR 371; [2007] AIRCTrans 390 (unled against silk)

Judicial review

Norouzi v The Director of the Professional Services Review Agency (No 2) [2020] FCA 1600
Norouzi v The Director of the Professional Services Review Agency [2020] FCA 1524
Thornton v Minister for Immigration, Migrant Services and Multicultural Affairs [2020] FCA 1500 (unled against silk)
CTP20 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 1401
Wood v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2020] FCA 566 (unled against silk)
BKX18 v Minister for Home Affairs [2020] FCA 432
W&Y Property Management Pty Ltd v Minister for Immigration [2020] FCCA 883
Yalavarthy v Minister for Home Affairs [2019] FCCA 3810
AZR19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2019] FCCA 3455
Singh v Minister for Home Affairs [2018] FCCA 3545
CWF16 v Minister for Immigration and Border Protection [2018] FCCA 3357
BKX18 v Minister for Home Affairs [2018] FCCA 2645
Kanu v Minister for Immigration and Border Protection [2018] FCCA 435
Pokharel v Minister for Immigration and Border Protection [2016] FCCA 3295
BZAHE v Minister for Immigration and Border Protection [2016] FCCA 518
McLaren v Rallings & Ors [2015] 1 Qd R 438
Page v Thompson [2014] QSC 252
Christensen v Pennington [2009] QSC 69
Sleat v Loof [2008] QSC 286

Employment and Industrial

Oldfield v One Stop Warehouse Pty Ltd & Ors [2020] FCCA 1865
Re Aero-Care Flight Support [2015] FWC 1783; [2015] FWCTrans 45, 48, 49 and 137 (unled against silk)
Ipswich City Council v Construction, Forestry, Mining & Energy, Industrial Union of Employees [2014] QIRC 59
United Motor Search Pty Ltd v Hanson Construction Materials Pty Ltd (No 2) [2014] FCA 277
Anderson v State of Queensland (Queensland Health) [2013] QIRC 183
United Motor Search Pty Ltd v Hanson Construction Materials Pty Ltd [2013] FCA 1104
Chalouhi v Tunstall Australasia Pty Ltd [2011] FMCA 550
Silver v Rogers (2012) 224 IR 439
Sutton v Telstra Corporation Ltd [2011] AATA 419
Re Boeing Australia Ltd (2007) 166 IR 371
Acworth v Boeing Australia Limited [2007] AIRC 413; 59 AILR 100-684; [2010] ALMD 1013
Solway v Australian Postal Corporation [2009] AATA 386
Smith v Q-COMP (2008) 188 QGIG 319

Disciplinary law

Norouzi v The Director of the Professional Services Review Agency [2020] FCA 1524
Nursing and Midwifery Board of Australia v Bates [2017] QCAT 479

Nursing and Midwifery Board of Australia v Tainton [2014] QCAT 161
Page v Thompson [2014] QSC 252
Nursing and Midwifery Board of Australia v CD [2011] QCAT 728
Legal Services Commissioner v Shera (No 2) [2009] LPT 18
Legal Services Commissioner v Shera [2009] LPT 15
Sleat v Loof [2008] QSC 286

Superannuation

Bennett v Sunsuper Pty Ltd [2017] QDC 193

Human rights, discrimination, freedom of information, and criminal law

Jackson v Ocean Blue Queensland Pty Ltd & Ors [2020] QCAT 23
Woodforth v State of Queensland [2014] QCAT 680
Haneef v Australian Federal Police [2010] AATA 514 (led by Stephen Keim SC)
Haneef v Secretary, Department of Prime Minister and Cabinet [2009] AATA 777 (led by Stephen Keim SC)
R v Tran [2009] QDC 82
R v Solon [2008] QDC 127

Planning and Environment

Friend & Ors v Brisbane City Council (2013) 196 LGERA 337; [2013] QPEC 23; (2013) QPELR 547
Liston v Tablelands Regional Council; Pensini v Tablelands Regional Council [2013] QOEC 76; [2014] QPELR 12

Coronial

Re McGuire (O'Connell, Coroner, 22 May 2020)
Re Coolwell (McDougall, Coroner, 4 April 2017)
Re Sweet (Lock, Deputy State Coroner, 6 May 2016)
Re Johnston (Lock, Coroner, 25 January 2013)
Re SH and AW (Lock, Coroner, 25 January 2013)
Re McNaught (Hennessy, Coroner, 6 December 2012)
Re Paudel (Lock, Coroner, 25 October 2012)
Re Davies (Lock, Coroner, 28 September 2012)
Re Parry (Rinaudo, Coroner, 6 September 2012)
Re Frost (MacCallum, Coroner, 31 May 2011)
Re Whiting (Barnes, State Coroner, 11 June 2010)
Re Congo (Priestly, Coroner, 8 December 2009)
Re Wright and Powell (Lock, Coroner, 20 March 2009)
Re Waite, Huynh, Jacobs and Gear (Barnes, State Coroner 17 March 2008)
Re Fogarty (Barnes, State Coroner, 1 October 2007)
Re Burgen (Barnes, State Coroner, 7 December 2007)
Re Huber (Clements Deputy State Coroner, 6 November 2007)
Re Henderson (Clements, Deputy State Coroner, 3 September 2007)
Re Liddell (Clements, Deputy State Coroner, 20 June 2007)
Re Eady (Clements, Deputy State Coroner, 20 June 2007)
Re Davis (Tonkin, Coroner, 16 May 2007)
Re Lather (Previtera, Coroner, 1 March 2007)
Re Barlow, Lusk and Baggott (Previtera, Coroner, 15 December 2006)
Re Perry (Hennessy, Coroner, 29 November 2005)