

Gavin Rebetzke

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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)

Appointment:

- Deputy Public Interest Monitor¹ (2023-2026)

Experience:

- Has appeared, alone and without a leader, against silk, in: the High Court of Australia, Queensland Court of Appeal, and the Full Court of the Federal Court of Australia.
- Experienced in industrial and employment law including appearances in the State and Federal industrial commissions (including the Full Bench of the Fair Work Commission), 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 a few of these publications including: Condon, M, *All Fall Down*, UQP, 2015, p.569; Condon, M, *Little Fish Are Sweet*, UQP, 2016, p.276; Kurmelovs, R, *Just Money*, UQP, 2020, p.271).
- 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,

¹ Pursuant to s 740 of the *Police Powers and Responsibilities Act 2000* (Qld) and s 324 of the *Crime and Corruption Act 2001* (Qld)

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). Note: I am currently unable to accept criminal law briefs due to my appointment as a Deputy Public Interest Monitor.
- 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 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 successful outcomes in mediations, conciliation and settlement conferences.

Reported cases

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v Thornton (2023) 97 ALJR 488; [2023] HCA 17 (led by Mr Keim SC)

Thornton v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (2022) 288 FCR 10 (unled against silk)

Stephen v Seahill Enterprises Pty Ltd (2021) 306 IR 140

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 Mr 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

Board member, Ensemble Q Australia Inc., and Ensemble Q Australia public fund committee (current)
Member, Dutton Park State School P&C (current)
Past Vice President, Brisbane Symphony Orchestra Inc. (2021-2023)
Past Board Member, Southern Cross Soloists Advisory Board, and Southern Cross Soloists Donations Account Administrative committee

Appendix A: Selected appearances

Appellate

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v Thornton (2023) 97 ALJR 488; [2023] HCA 17 (led by Mr Keim SC)
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v Thornton [2022] HCATrans 160 (unled against silk)
Thornton v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2022] FCAFC 23 (unled against silk)
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

Climo v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2023] FCA 338
Norouzi v Determining Authority established by s 106Q of the Health Insurance Act 1973 (Cth) [2023] FCA 35
NRFV v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2023] FCA 21
HWLJ v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2022] FCA 882
ATD19 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs [2022] FCA 576 (with Ms Chiang)
Stephen v Seahill Enterprises Pty Ltd [2022] FCAFC 85 (led by Christian Jennings KC)
ATD19 v Minister for Immigration, etc. [2021] FCCA 565 (with Ms Chiang)
Kaur v Minister for Immigration, etc. [2021] FCCA 515
Orro v Minister for Immigration, etc. [2021] FCCA 101
Dhawal & Anor v Minister for Immigration & Anor [2020] FCCA 3295
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

Queensland Police Union of Employees & Ors v State of Queensland (Queensland Police Service) [2022] QIRC 276
Construction, Forestry, Maritime, Mining and Energy Union v BHP Coal Pty Ltd [2022] FWC 881
Stephen v Seahill Enterprises Pty Ltd [2021] FWCFB 2623; 306 IR 140
Frost v Uniting Care Health T/A Buderim Private Hospital [2021] FWC 4018
Re Stephen [2021] FWC 972
One Stop Warehouse Pty Ltd v Oldfield [2021] FCA 34
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, regulation and review

Sydenham Grace Pty Ltd and NewDimension Australia Pty Ltd v Department of Families, Fairness and Housing [2023] VCAT 1311 (unled against silk resisting an application for security for costs)
Norouzi v Determining Authority established by s 106Q of the Health Insurance Act 1973 (Cth) [2023] FCA 35
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 Searle (Ryan, State Coroner, 26 June 2023)
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)