

# 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)

### Appointments:

- Deputy Public Interest Monitor<sup>1</sup> (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,

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<sup>1</sup> 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.
- Delivered *Legalwise* seminar: Appealing QCAT Decisions, 14 March 2024.

## Reported cases

*NRFX v Minister for Immigration, Citizenship and Multicultural Affairs* (2023) 300 FCR 582 (unled against silk)

*Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v Thornton* (2023) 297 CLR 136; (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)  
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

*State of Queensland (Department of Education) v Johnston* [2024] ICQ 18  
*Reimers v Medical Board of Australia* [2024] NSWCA 164  
*NRFX v Minister for Immigration, Citizenship and Multicultural Affairs* (2023) 300 FCR 582; [2023] FCAFC 187 (unled against silk)  
*Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v Thornton* (2023) 276 CLR 136; (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

*AZC23 v Minister for Immigration, Citizenship and Multicultural Affairs* [2024] FedCFamC2G 1208  
*Cao v Minister for Immigration, Citizenship and Multicultural Affairs* [2024] FedCFamC2G 309  
*BNY23 v Minister for Immigration, Citizenship and Multicultural Affairs* [2024] FCA 301  
*Da Silva II v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2024] FedCFamC2G 238  
*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  
*NRFX 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  
*Dhokal & 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**

*State of Queensland (Department of Education) v Johnston* [2024] ICQ 18  
*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] FWC FB 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, regulatory and review**

*Reimers v Medical Board of Australia* [2024] NSWCA 164  
*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)