

CHARLES GREGORY

Sixth Floor Windeyer Chambers
6/225 Macquarie Street
Sydney NSW 2000
Tel: (02) 9235 3100 Fax: (02) 9223 3929
Email: cgregory@windeyerchambers.com.au

QUALIFICATIONS

Tertiary Qualifications

Masters Int'l Law and Int'l Relations (MILIR) (UNSW) 2011
LLB (UTS) 2005
BComm (Journalism) (UTS) 2005

Professional Qualifications

Admitted as a lawyer on 26 May 2006
Admitted as a barrister in September 2014

AREAS OF PRACTICE

Charles was recommended as a leading native title barrister in the *Doyles Guide* for 2018, 2017 and 2016.

Charles practices in:

- administrative law;
- land and environment;
- native title and Aboriginal cultural heritage;
- resources and mining;
- equity and trusts;
- intentional torts; and
- discrimination law.

Charles has acted on behalf of a range of public, corporate, and Indigenous clients, including in NSW, Queensland, the Northern Territory and South Australia.

Charles' commercial work ranges across contract, equity, and trusts. Charles has been led in the High Court and the NSW Court of Appeal.

Charles intentional tort work includes malicious prosecution proceedings in the Supreme Court both for and against the State of NSW. Charles has also appeared for plaintiffs and defendants in civil proceedings in the District Court for assault and unlawful imprisonment.

Charles appears regularly in native title proceedings in the Federal Court and on appeal to the Full Court of the Federal Court. Charles has also represented and advised Aboriginal land holders in NSW and the Northern Territory in relation to State and Territory land rights regimes.

Charles' public law work has included judicial review proceedings on appeal to the Full Court of the Federal Court, and in the Federal Court and Supreme Court of NSW.

Charles' prior resources work included advice on the Queensland-Curtis LNG project, India-based PCI facilities under the Kyoto Protocol CDM, Northern Territory uranium tenements, Cape York/Kimberley savanna burning CFI projects, and NSW cultural heritage assessments.

For over a decade Charles has advised on discrimination issues at the Inner City Legal Centre and HIV/AIDS Legal Centre in Sydney, and the LGBTI Legal Centre in Brisbane.

SELECTION OF WORK

High Court

- *Beck v Commonwealth Bank Officers Superannuation Corporations Pty Limited & Ors* [2017] HCATrans 56

Full Court of the Federal Court

- *Hands v Minister for Immigration and Border Protection* [2018] FCAFC 225
- *Boney v Attorney General of New South Wales* [2018] FCAFC 218
- *Sandy on behalf of the Yugara People v State of Queensland* [2017] FCAFC 108
- *Gomeroi People v Attorney-General of New South Wales (No 2)* [2016] FCAFC 116
- *Gomeroi People v Attorney-General of New South Wales* [2016] FCAFC 75

Federal Court

- *Boney v Attorney General of New South Wales (No 2)* [2018] FCA 1241
- *Akiba on behalf of the Torres Strait Regional Sea Claim v State of Queensland* [2018] FCA 772
- *Gomeroi People v Attorney General of New South Wales* [2018] FCA 1066
- *Hands v Minister for Immigration and Border Protection* [2018] FCA 662
- *Gomeroi People v Attorney General of New South Wales (No 3)* [2018] FCA 71
- *Gomeroi People v Attorney-General of New South Wales* [2017] FCA 1464
- *Barambah on behalf of the Turrbal People v State of Queensland* [2016] FCA 894
- *Wongkumara People v Palpamudramudra Yandrawandra People* [2016] FCA 527
- *Rirratjingu Aboriginal Corporation v Northern Land Council* [2015] FCA 16

NSW Court of Appeal

- *El-Wasfi v State of New South Wales* [2017] NSWCA 332
- *Commonwealth Bank Officers Superannuation Corporation v Beck* [2016] NSWCA 218

Supreme Court

- *Cummeragunja Local Aboriginal Land Council v Nicholson (No 2)* [2017] NSWSC 1248
- *Cummeragunja Local Aboriginal Land Council v Nicholson* [2017] NSWSC 394
- *Saad & Ors v State of New South Wales (No 2)* [2016] NSWSC 1482
- *Saad & Ors v State of New South Wales* [2016] NSWSC 1247
- *David Sarikaya v State of New South Wales* (2012/32256)

District Court

- *Mehanna v State of New South Wales* (Balla J, 21 September 2018, unpublished)
- *Mehanna v State of New South Wales* [2017] NSWDC 427
- *Shalhoub v State of NSW* [2017] NSWDC 363

NSW Civil and Administrative Tribunal

- *Czerniecki v TAFE NSW* [2017] NSWCATAD 278

SELECTED PUBLICATIONS AND PRESENTATIONS

- C Gregory and D Robertson, “Admissibility of expert evidence” [2018] (Spring) *Bar News*
- Book review, ‘Stoianoff, N.P (ed) *Indigenous Knowledge Forum – Comparative Systems for Recognising and Protecting Indigenous Knowledge and Culture* (LexisNexis Butterworths, 2017)’ [2018] (Autumn) *Bar News*
- ‘*Aboriginal freehold and native title in NSW*’, presentation to the NSW Bar Association North Coast CPD Conference, Ballina, 17 February 2017
- ‘Case Note: *Sandy (on behalf of the Yugara People) v Queensland*’ (2017) *Native Title News* Vol 12, No. 18
- ‘*Legal and Anthropological Principles of Compensation*’ (co- presentation with Vance Hughston SC and Tina Jowett), 6 June 2017, 2017 AIATSIS National Native Title Conference, Townsville
- Book review, ‘Ananian-Welsh, R and Crowe, J (eds) *Judicial Independence in Australia: Contemporary Challenges, Future Directions* (Federation Press, 2016)’ [2016] (Spring) *Bar News* 74
- ‘*Jurisprudence update - offshore connection, exclusive possession, and section 47B*’ (co- presentation with Tina Jowett), 14 September 2016, Federal Court of Australia – NSW Native Title Users Group Forum
- Book review, ‘Connolly A.J and Stewart D (eds), *Public Law in the Age of Statutes: Essays in Honour of Dennis Pearce* (Federation Press, 2015)’ [2016] (Winter) *Bar News* 60
- ‘*ILUAs and Section 199C*’ (June 2016), paper presented at the 2016 AIATSIS National Native Title Conference, Darwin
- Book review, ‘Debra Mortimer (ed), *Administrative Justice and Its Availability* (Federation Press, 2015)’ [2015] (Summer) *Bar News* 76
- ‘*The SA Royal Commission into the Nuclear Fuel Cycle: Has the Nuclear Door Been Opened and What Does it Mean?*’ (June 2015), joint-paper with Matthew Moharich, presented at the 2015 AIATSIS National Native Title Conference, Port Douglas
- ‘*Anti-Homophobia & Inclusion Framework for Australian Sports*’ (April 2014) (consultant and joint-author with AFL, ARU, NRL, FFA, and CA)
- ‘*The Needs and Aspirations of Indigenous Queenslanders*’ (May 2013) (with Dominic McGann and Phillip Toyne), chapter 3 of the Queensland Parliament’s State Development, Infrastructure and Industry Committee’s *Final Report: Inquiry into the future and continued relevance of government land tenure across Queensland*
- ‘*International human rights, native title, and mining in Australia*’ (June 2013), paper presented at the 2013 AIATSIS National Native Title Conference, Alice Springs
- ‘*Comparison of Queensland and NSW cultural heritage laws*’ (April 2013) (joint author with Liam Davis and James Ford), *Australian Environment Review*
- ‘*Aboriginal Cultural Heritage for large projects in NSW*’ (2012), CLE, Brisbane
- ‘*Native Title in NSW*’ (2012), CLE, Brisbane

- *'Project approvals and amendment processes in a strategic cropping land world'* (2012), presentation to the *Environmental Management for the Mining Sector* conference, Brisbane
- *'Carbon Tax CLE'* (2012), presentation to the *Carbon Tax Intensive Seminar*, Queensland Law Society, Brisbane
- *'Fees vulnerable to unfair preference provisions of the Corporations Act'* (February 2009) (with Andrew Murray), *NSW Law Society Journal*
- *'Redfern Legal Centre: National Human Rights Consultation Submission'* (for DLA Phillips Fox on behalf of the Redfern Legal Centre) (2009)