

# CHARLES GREGORY

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## 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 2021 and has been since 2016.

Charles practices in:

- Administrative law.
- Land, property, and environmental law.
- Native title.
- Resources and mining.
- Equity and trusts.
- Intentional torts, including malicious prosecution.
- Discrimination and public international law.

Charles has acted for public, corporate, and Indigenous clients, in NSW, Queensland, the Northern Territory, South Australia, and Western Australia.

His commercial work includes contract, equity, and trusts. He has been led in the High Court and the NSW Court of Appeal, and has appeared in judicial review proceedings in the Federal Court and Supreme Court.

Charles has acted for public clients in class actions in the Federal Court and has run intentional tort (including malicious prosecution) proceedings in the Supreme Court and District Court. He appears regularly in native title proceedings in the Federal Court and has represented Aboriginal land holders under land rights regimes.

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

- *Ah-Chee v Stuart* [2019] FCAFC 165
- *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

- *Ohlsen on behalf of the Ngemba/Ngiyampaa People v Attorney General of New South Wales* [2021] FCA 169
- *Wagonga Local Aboriginal Land Council v Attorney General of New South Wales* [2020] FCA 1113
- *Bell on behalf of the Wakka Wakka People #4 v State of Queensland* [2020] FCA 695
- *La Perouse Local Aboriginal Land Council v Attorney General of New South Wales* [2019] FCA 1091
- *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

- *Kitchener v Magistrate Thomas in his capacity as a Coroner* [2019] NSWSC 701
- *Carly White v Candice Williams* [2019] NSWSC 437
- *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

### 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, “Human Rights and Technology” [2020] (Winter) *Bar News*
- Presentation as part of *Legal Wise Native Title Intensive*, “PBC After the Recognition of Separate and Distinct Native Titles: *Drury on behalf of the Nanda People v State of Western Australia* [2020] FCAFC 69”, 11 November 2020
- *Protocol with Respect to Aboriginal and Torres Strait Islander Peoples*, presentation to the NSW Bar Association Orange CPD Conference, Orange, 7 March 2020
- 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
- C Gregory, L Davis and J Ford, "Comparison of Queensland and NSW cultural heritage laws" [2013] (April), *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)

## MEMBERSHIPS

- NSW Bar Association
  - Member of the Human Rights Committee (2019-2021)
  - Member of the First Nations Committee (2019-2021)
  - Member of the Bar News committee (2015-2018)
- Australian Association of Constitutional Law