

Curriculum Vitae

Elected to the Bar: 2012
Date of admission 4 October 2005
Qualifications BA LLB

I accept briefs in all areas of native title practice. I began as an articled clerk at Yamatji Marlpa Aboriginal Corporation at its Karratha office. Other than at Minter Ellison my work as a solicitor was mostly native title related and mostly for First Nations clients. Since at the WA Bar I have advised in all areas of native title and have appeared in many cases – some long running and complex, and some unled. I have particularly enjoyed working with, and learning from, the many indigenous witnesses who have given evidence in these cases. I am recognised as a leading junior native title barrister in Doyles.

I do not practise exclusively in native title. I have expertise and substantial experience in public law, particularly judicial review and merits review in federal jurisdiction. I accept public law briefs.

Practice history

2012 – now Francis Burt Chambers
2009 – 2012 HWL Ebsworth Lawyers (Brisbane)
2005 – 2007 Minter Ellison (Perth)
2004 – 2005 Yamatji Marlpa Aboriginal Corporation (Karratha)

Native title related cases

2023, ongoing *Yindjibarndi Ngurra Aboriginal Corporation RNTBC v State of Western Australia & Ors* (Federal Court WAD37/2022)
Act for the Applicant in its native title compensation application in relation to the grant of mining tenements. Led by Vance Hughston SC and Tina Jowett SC.

2018, ongoing *John Sandy & Anor v Yindjibarndi Aboriginal Corporation RNTBC* (Supreme Court CIV2883/2017)
Act for the Defendant. Plaintiffs claim relief for alleged oppressive conduct within s 166-1 *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

2022, ongoing	<p><i>Briggs & Anor on behalf of the Boonwurrung People v State of Victoria & Ors</i> (Federal Court VID363/2020)</p> <p>Act for an indigenous respondent in a native title determination application in Victoria. Appeared at preservation evidence hearing in December 2022.</p>
2018 - 2024	<p><i>Nyamal Palyku Proceeding (No 8) 2024 FCA 11</i></p> <p><i>Nyamal Palyku Proceeding (No 7) 2023 FCA 528</i></p> <p><i>Nyamal Palyku Proceeding [2020] FCA 428</i></p> <p>Acted for the Nyamal People in a native title overlap dispute. The overlapping claims were determined by consent following a part-heard trial and mediation in 2022. Led by Tom Keely SC.</p>
2019 - 2023	<p><i>Strickland on behalf of the Maduwonga Claim Group v State of Western Australia [2023] FCA 270</i></p> <p>Acted for the Applicant in the Nyalpa Pirniku native title claim, which was overlapped by the Maduwonga native title claim. Trial of a separate question to resolve the overlap.</p>
2019 - 2023	<p><i>Peron Island Land Claim No. 190</i></p> <p>Acted for the Bwudjut estate group in a land claim inquiry under the <i>Aboriginal Land Rights (Northern Territory) Act (Cth) 1976</i>.</p>
2020 – 2021	<p><i>Dhu v Karlka Nyiyaparli Aboriginal Corporation RNTBC (No. 2) 2021 FCA 1496</i></p> <p>Acted for Applicants in relation to a native title holding group membership dispute.</p>
2018 - 2019	<p><i>John Sandy v Yindjibarndi Aboriginal Corporation RNTBC [No 2] [2019] WASC 328</i></p> <p>Acted for the Defendant in its interlocutory application seeking orders to dismiss the proceeding as an abuse of process. Led by Vance Hughston SC.</p>
2014 - 2018	<p><i>Aileen Sandy & Anor v Yindjibarndi Aboriginal Corporation RNTBC & Anor [2018] WASC 124</i></p> <p>Acted for the Defendant in a long running proceeding where the plaintiffs claimed relief for alleged oppressive conduct within s 166-1 <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>. Led by Vance Hughston SC.</p>
2015 - 2017	<p><i>Oil Basins Ltd v Watson [2017] FCAFC 103</i></p> <p><i>Watson on behalf of the Nyikina Mangala v State of WA (No. 7) [2015] FCA 1404</i></p> <p>Acted for the Nyikina Mangala people in a review of taxation of costs brought by Oil Basins Ltd and in the appeal. Led by Vance Hughston SC.</p>

- 2016 *Fulton v Northern Territory of Australia [2016] FCA 1236*
Acted for the Applicant in a native title claim over Nutwood Downs pastoral lease in the Northern Territory in its application to remove a respondent party from the claim.
- 2015 - 2015 *Rrumburriya Borroloola Claim Group v Northern Territory [2016] FCA 776*
Acted for the Applicant in its native title claim. The issues in the trial were whether the native title holders had a right to take resources for any purpose, including commercial purposes and certain extinguishment issues. Led by Tom Keely SC.
- 2015 - 2016 *CG (deceased) on behalf of the Badimia People v State of WA [2016] FCAFC 67*
Acted for the Commonwealth in the Applicant's appeal on the question whether the trial judge erred in making a negative determination in relation to the claim area after a trial. Led by Joshua Thomson SC.
- 2015 *State of Western Australia v Victor Willis & Ors on behalf of the Pilki 2015 FCAFC 186*
Acted for the Commonwealth (intervenor) in the State's appeal on the question whether the trial judge erred in finding that the native title holders held a native title right to access and take for any purpose the resources of the land and waters. Led by Joshua Thomson SC.
- 2014 *FMG Pilbara Pty Ltd v Yindjibarndi Aboriginal Corporation RNTBC [2014] FCA 1335*
Acted for YAC in the State's appeal and FMG's appeal from the National Native Title Tribunal's determination in an expedited procedure objection application.

Judicial review, merits review and other cases

- 2019 - 2022 *Glenn Whiddon v Commissioner of Taxation [2022] AATA 197*
Acted for the Applicant in his application for review of objection decisions in connection with a complex commercial transaction. Led by Alain Musikanth SC.
- 2020 *BYB18 v Minister for Immigration [2020] FCCA 1832*
Judicial review of a migration decision.
- 2019 *Singh v Minister for Immigration [2019] FCCA 2796*
Judicial review of a migration decision.
- 2019 *Pennie v Minister for Home Affairs [2019] FCA 489*
Judicial review of a visa cancellation decision.
- 2019 *Al Rubaei v Commissioner of Taxation [2019] AATA 71*
Merits review of objection decisions.

2018	<i>FKB17 v Minister for Immigration [2018] FCCA 3438</i> Judicial review of a migration decision.
2018	<i>LKQD v Minister for Immigration and Border Protection [2018] AATA 2710</i> Merits review of a migration decision
2018	<i>CSJ17 v Minister for Immigration [2018] FCCA 269</i> Judicial review of a migration decision.
2017	<i>JSDW v Minister for Immigration and Border Protection [2017] AATA 2420</i> Merits review of a migration decision.
2017	<i>Forster v Minister for Immigration [2017] FCCA 2678</i> Judicial review of a visa cancellation decision.
2016	<i>TRHL v Minister for Immigration and Border Protection [2016] FCA 376</i> Appeal from review of AAT decision affirming revocation of citizenship.
2015	<i>Albrecht v Commissioner of Taxation [2014] FCAFC 176</i> Appeal from a taxpayer on Constitutional grounds. Acted for the Commissioner. Led by John Vaughan SC.
2014	<i>Goodwin v Western Australian Sports Centre Trust [2014] WASC 138</i> Trial of a preliminary Limitation Act 2005 (WA) issue.
2014	<i>Commissioner for Consumer Protection v Susilo [2014] WASC 50</i> Misleading or deceptive conduct case.

Contributions to the legal profession

- Act *pro bono* and for low fixed fee on several matters.
- Give CPD seminars every year to instructors and at CPD events.
- Ongoing co-ordinator for the Bar Readers Course.
- Past director of WA Bar Chambers Ltd.
- Past member of Law Society ethics and costs committees.
- Taught articled clerks at Leo Cussen Centre for Law.

Other important roles

- Husband and father to three primary school age children.
- Chairperson of the North Cottesloe Primary School Board.
- Coach and committee member of the Cottesloe Junior Football Club.

Hobbies

- Are you serious?
- I ride to work, read when I can and enjoy family holidays at Wadjemup.