

DOUGLAS FREEBURN

Barrister
Higgins Chambers
Year of call – 2022

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AREAS OF PRACTICE

Administrative and public law
Appellate
Native title
Commercial law
Commissions of inquiry
Professional discipline and regulatory law
Employment and industrial
Discrimination law

EDUCATION

Master of Laws at the University of Melbourne (First Class Honours WAM)
Bachelor of Laws at the Queensland University of Technology
Graduate Diploma in Legal Practice, College of Law

CAREER HISTORY

Douglas specialises in the areas of administrative and public law, appellate, native title, commercial law, regulatory law, employment and industrial law, inquiries and inquests and discrimination law.

Prior to his call to the bar in 2022, Douglas gained broad experience in both private and government practice. He spent three years working as a solicitor at Clayton Utz in the Public Sector Group. Douglas also practised in the United Kingdom with the Government Legal Department, and at Crown Law Queensland in the Public Sector Branch (Workplace Law).

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Douglas has been involved in a diverse range of litigation matters in both Federal and State courts and tribunals and has provided complex advice for public and private sector clients.

Commissions of inquiry

In 2022, Douglas was appointed as Counsel Assisting in the Royal Commission into the Robodebt Scheme. He appeared regularly in hearings of the Commission (led and unled) and was heavily involved in drafting the Commission's final report; published in July 2023.

Administrative and public law

Douglas has an extensive experience in administrative and public law. He regularly appears in State and Federal courts (both led and unled) in judicial review applications; acting on behalf of government agencies and applicants. Douglas also appears in merits review proceedings, including in migration review cases in the Administrative Appeals Tribunal.

Douglas frequently acts on behalf of the Commonwealth in Federal Court and Federal Circuit Court judicial review applications, including applications for review of cancellation decisions made under ss 501 and 501CA of the *Migration Act 1958* (Cth) and the refusal of visa applications under s 65 of that Act.

Native title

Douglas has expertise in native title. He has acted for both applicants and the State of Queensland in native title determination claims; appearing in both substantive and interlocutory proceedings before the Federal Court. Additionally, he has provided complex advice to both government agencies and native title applicants concerning the conduct of native title claims.

Proceedings that Douglas has acted in include, but are not limited to, the Githabul People (Waringh Waringh) determination application (QUD87/2021), the Wulli Wulli People #3 determination application (QUD6006/2000), and the Kabi Kabi First Nation Traditional Owners Native Title Claim Group determination application (QUD20/2019).

Additionally, Douglas has expertise in the compensation regime established under Division 5, Part 2 of the *Native Title Act 1993* (Cth) and has acted on behalf of native title holding groups in compensation claims. He has also advised on matters concerning harm to cultural heritage.

Employment

Douglas has a background in employment law; having practised as a solicitor at Crown Law in the Workplace Law Team. As Counsel, Douglas has acted in, and advised on, an array of industrial matters including unfair dismissal matters, discrimination claims and claims for unpaid wages. Recently, Douglas appeared unled for an appellant local government in the Queensland Industrial Court; successfully appealing a decision of the Queensland Industrial Relations Commission concerning the interpretation of the Queensland Local Government Industry (Stream A) Award – State 2017 (see *Paroo Shire Council v Mason* [2024] ICQ 11).

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Regulatory

Douglas specialises in regulatory matters. He has a particular focus in health profession regulation; appearing for National Boards in review and disciplinary proceedings under the Health Practitioner Regulation National Law. Douglas has also appeared before sporting tribunals in discipline matters.

Commercial

Douglas regularly advises on and appears in commercial disputes. He has been engaged in matters involving contract, directors' duties, negligence and other actions. Douglas has particular expertise in vicarious liability and pure economic loss in tort - a focus of Douglas' Master of Laws at the University of Melbourne.

Select cases

Published cases that Douglas has appeared in as Counsel include:

- *HDTY v Minister for Immigration, Citizenship and Multicultural Affairs* [2024] FCA 633.
- *Noor v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 1125.
- *Paroo Shire Council v Mason* [2024] ICQ 11.
- *Bristowe v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 690.
- *Kandel v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 1385.
- *Douglas on behalf of the Kabi Kabi First Nation Traditional Owners Native Title Claim Group v State of Queensland (No 2)* [2024] FCA 385.
- *Douglas on behalf of the Kabi Kabi First Nation Traditional Owners Native Title Claim Group v State of Queensland (No 4)* [2024] FCA 641.
- *Robert Williams Snr & Ors on behalf of the Githabul People (Waringh Waringh) v State of Queensland* (QUD87/2021).
- *Heneghan and Minister for Immigration, Citizenship and Multicultural Affairs (Migration)* [2024] AATA 1108.
- *WZFX and Minister for Immigration, Citizenship and Multicultural Affairs (Migration)* [2024] AATA 1484.
- *Peek and Minister for Immigration, Citizenship and Multicultural Affairs (Migration)* [2024] AATA 2361.

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