

IAN BOURKE SC

FREDERICK JORDAN CHAMBERS

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Called to the Bar in 1993 and appointed Senior Counsel in 2014, Ian is highly regarded in his areas of practice, which include appeals, criminal law, coronial inquests, administrative law, child welfare and disciplinary hearings and inquiries.

He regularly appears at appellate level in the NSW Court of Appeal and Court of Criminal Appeal, as well as in criminal and related proceedings in the Supreme and District Courts of NSW. With extensive experience as Counsel Assisting in coronial inquests, his practice has also extended to appearances in Royal Commission hearings, ICAC hearings, Police Integrity Commission hearings, and in the Medical Tribunal of NSW. He has also represented the NSW Bar Association in disciplinary proceedings before the New South Wales Civil and Administrative Tribunal.

Ian's public sector experience is significant. Prior to being called to the Bar, Ian practised as a lawyer at government agencies including the Commonwealth Director of Public Prosecutions, National Crime Authority (now Australian Crime Commission), Corporate Affairs Commission (now ASIC), and Department of Community Services. He continues to act for several Government agencies today, as well as private clients.

Ian regularly delivers papers at industry forums and to clients on topical issues and legal developments in his areas of practice. He is a member of the New South Wales Bar Association Criminal Law Committee, and Education Committee, has also served on the Professional Conduct Committee, and was previously also a Bar Representative on a NSW Legal Aid Review Committee.

APPOINTMENTS AND ADMISSIONS TO PRACTICE

- 2014 Appointed Senior Counsel
- 1993 Admitted to the Bar of New South Wales
- 1985 Admitted as a Legal Practitioner, Supreme Court of New South Wales

PROFESSIONAL QUALIFICATIONS

- 1990 Master of Laws: University of Sydney
- 1985 Diploma of Law: Barristers' Admission Board

PRINCIPAL AREAS OF PRACTICE

- Appeals
 - Criminal Law
 - Coronial Inquests
 - Disciplinary Hearings and Inquiries
 - Administrative Law
 - Child Welfare
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PROFESSIONAL EXPERIENCE

- 1996 – present Barrister, Frederick Jordan Chambers
- 1993 – 1996 In-house Counsel, Commonwealth Director of Public Prosecutions
- 1989 – 1993 Principal Legal Officer, Commonwealth Director of Public Prosecutions
- 1988 – 1989 Senior Legal Officer, National Crime Authority
- 1987 – 1988 Legal Officer, Corporate Affairs Commission of New South Wales (now, ASIC)
- 1985 – 1987 Legal Officer, Department of Youth and Community Services

PROFESSIONAL MEMBERSHIPS AND APPOINTMENTS

- 1996 – present Member, New South Wales Bar Association
- 2017 – present Member, New South Wales Bar Association - Education Committee
- 2011 – present Member, New South Wales Bar Association - Criminal Law Committee
- 2011 – 2017 Member, New South Wales Bar Association - Professional Conduct Committee
- 2013 – 2017 Bar Representative, NSW Legal Aid Review Committee

SPEAKING ENGAGEMENTS

- *The social, medical and legal issues facing children with gender dysphoria*: Chairperson of panel discussing “The law in transition”: Inner City Legal Centre Conference, Sydney – 2017
- *Appearing for parents in child care proceedings*: presented to Legal Aid Care and Protection Conference, Sydney – 2016
- *Withdrawing a guilty plea*: presented to lawyers of Commonwealth DPP, Sydney and Australia-wide link-up – 2014
- *The self-represented Accused*: presented to lawyers of Commonwealth DPP, Sydney and Canberra – 2014
- *Appearing in the Coronial Jurisdiction*: presented to NSW Bar Association – 2014
- *Written submissions*: presented to lawyers of Commonwealth DPP, Sydney – 2012
- *Duplicity in criminal charges*: presented to lawyers of NSW Crown Solicitor’s Office – 2011
- *Subpoenas to produce documents in criminal proceedings*: presented to NSW Bar Criminal Justice Reform Conference – 2010
- *Appearing for the Prosecution in summary sentence matters*: presented to lawyers of NSW Crown Solicitor’s Office – 2010
- *Cross-examination on sentence*: presented to lawyers of Commonwealth DPP, Sydney – 2012
- *Appeals in the Supreme and District Courts from the Children’s Court in Care Proceedings*: presented to Legal Aid Commission annual conference – 2005

SELECT CASES

High Court of Australia

- *Saleh v R* [2016] – Application for Special Leave HCA Trans 175 (Counsel for Cth DPP)

NSW Court of Criminal Appeal

- *Biddle v R* – Sentence appeal after Murder conviction (Counsel for Appellant) – 2017
- *R v Speedy Corp & Ors* [2016] NSWCCA 264 - Crown appeal from dismissal of Commonwealth fraud charges where evidence “illegally or improperly obtained” (Counsel for Cth DPP) – 2016

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- *Velez v R* [2015] NSWCCA 177 – Sentence appeal concerning Conspiracy to import 500 kgs of cocaine (Counsel for Cth DPP)
- *Chime v R* [2014] NSWCCA 304 – Conviction and Sentence appeal involving drug offences (Counsel for Cth DPP)
- *ES v R* [2014] NSWCCA 197/198 – Sentence appeal involving drug importation (Counsel for Cth DPP)
- *Wilson & Ors v R* [2014] NSWCCA 266 DS v R [2014] NSWCCA 267 – Conviction/Sentence appeals involving drug importation (Counsel for Cth DPP)
- *Oliveri v R* [2011] NSWCCA 38 – Conviction & Sentence appeal concerning drug offences (Counsel for Cth DPP)
- *Fang v R* [2010] NSWCCA 254 – Conviction appeal from drug importation (Counsel for Cth DPP)
- *Puan v R* [2009] NSWCCA 194 – Conviction & Sentence appeal from Cth drug charges (Counsel for Cth DPP)

NSW Court of Appeal

- *CJT v Children’s Guardian* [2017] – Appeal concerning interpretation of *Child Protection (Working with Children) Act* (Counsel for NSW Children’s Guardian)
- *JW v DPP* [2016] – Appeal on question of law from NSW Children’s Court – Dangerous driving causing death (Counsel for Child appellant)
- *Mok v R* [2015] NSWCA 98 – Appeal on question involving Constitutional law and Statutory Interpretation (Counsel for Cth DPP)
- *JC v DPP* [2014] NSWCA 228 – Application for Judicial Review from District Court (Counsel for NSW DPP)
- *AB v DPP* [2014] NSWCA 122 – Application for Judicial Review of District Court order refusing costs in criminal proceedings (Counsel for NSW DPP)
- *CB v DPP* [2014] NSWCA 134 – Question of law arising from arson offence by child (Counsel for Child Appellant)
- *Elias v DPP* [2012] NSWCA 302 – Application for Judicial Review on refusal by Judge to State a Case (Counsel for NSW DPP) – 2012
- *Walford v DPP* [2012] NSWCA 290 – Application for leave to appeal on question of law involving “identification” evidence (Counsel for NSW DPP) – 2012
- *Meakin v DPP* [2011] NSWCA 373 – Application for Judicial Review of District Court (Counsel for NSW DPP)

NSW Coroners Court

- Inquest into death of former Police Officer Ashley Bryant [April 2017] (Counsel assisting the Coroner)
- Inquiry into 2013 Bush Fires at Springwood and Mt Victoria [2015] (Counsel assisting the Coroner)
- Inquests into multiple deaths involving Quad Bikes [2014 – 2015] (Counsel assisting the Coroner)
- Inquest into missing person – Jessica Small [2014] (Counsel assisting the Coroner)
- Inquest into death of missing person – Richard Sajko (Counsel Assisting the Coroner) – 2014
- Inquest into death of missing person – Sylvia Pajuczok (Counsel Assisting the Coroner) – 2013

Royal Commissions

- Royal Commission into Institutional Responses to Child Sexual Abuse – Case Study 44 (Counsel for State of NSW) – September 2016

New South Wales Civil & Administrative Tribunal

- *NSW Bar Association v B & G* [2015] NSWCATOD 152 (Counsel for Bar Association)

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NSW Police Integrity Commission

- Private hearings into alleged misconduct (Counsel Assisting the PIC) – 2015
- Private hearings into alleged misconduct (Counsel Assisting the PIC) – 2014
- Private hearings into alleged misconduct (Counsel Assisting the PIC) – 2010

District Court of NSW

- Appearances in more than 40 jury trials, both for the Crown and the Accused

Independent Commission Against Corruption (ICAC)

- Inquiry into alleged corruption in NSW prison (Counsel for Department of Corrective Services) – 2012
- Inquiry into alleged corruption at University of New England (Counsel for a “person of interest”) – 2012

Medical Tribunal of NSW

- *Dr Goodman v Medical Council of NSW* – Application for re-registration as a medical practitioner (Counsel for Medical Council) – 2012
- *HCCC v Dr Nguyen-Phuoc* (40028 of 2009) – Disciplinary proceedings against Medical Practitioner (Counsel for HCCC) – 2010
- *Medical Tribunal (NSW) HCCC v Gayed* [2009] NSWMT 4 – Disciplinary proceedings against Medical Practitioner (Counsel for HCCC) – 2009
- *Medical Tribunal (NSW) HCCC v Perera* [2009] NSWMT 10 – Disciplinary proceedings against Medical Practitioner (Counsel for HCCC) – 2009
- *HCCC v Dr Kalarostaghi* [2009] NSWMT 2 – Disciplinary proceedings against Medical Practitioner (Counsel for HCCC) – 2009

Full Court of the Family Court

- *Re Bernadette* [2011] FamCAFC 50 – Jurisdictional / Constitutional issues concerning a “transsexual” child (Counsel for Department of Community Services) - 2011