

## Curriculum Vitae

**Shane Drumgold SC**  
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### **Qualifications:**

- 2024            PhD Candidate (Accountability structures for Commissioned Inquiries)
- 2019            Appointed Senior Counsel
- 2003            Awarded the Churchill Fellowship to study restorative justice initiatives for indigenous offenders in the USA, Canada and New Zealand
- 2003            Master of Laws (International Law)
- 2000            Bachelor of Laws (Honours)
- 1999            Bachelor of Business (Economics)

### **Work history:**

- 2024 – present Senior Counsel, Frederick Jordan Chambers Sydney
- 2023 – present Associate Professor of Law, University of Canberra
- 2019 - 2023    Director of Public Prosecutions
- 2019 – 2021    ACT Bar Council
- 2017 – 2018    Deputy Director of Public Prosecutions
- 2002 – 2018    ANU academic and guest lecturer in Criminal Law and Evidence Law
- 2014 – 2017    Assistant Director of Public Prosecutions
- 2009 – 2014    Grade 5 Senior Advocate / Practice Manager.
- 2007 – 2009    Grade 3 Senior Prosecutor
- 2006 – 2007    Public Solicitors Office, Honiara Solomon Islands - Public Defender
- 2004 – 2006    Grade 2 Prosecutor
- 2002 – 2004    Grade 1 Prosecutor
- 1999 – 2001    South Eastern Aboriginal Legal Service, Paralegal

### Court Matters of note

#### High Court of Australia

<b>Date</b>	<b>Matter Name</b>	<b>Coram</b>	<b>Crown</b>	<b>Contra</b>	<b>Issue</b>
18 March 2022	The Queen v Smith (A Pseudonym) C13 of 2021	Keane, Edelman JJ	Drumgold SC leading McCann, instructed by DPP	Brett Walker SC leading Hutchinson, instructed by Saeedi	Misapplication of appeal principle in M v The Queen, as defined by Pell v The Queen
29 April 2020	UD v The Queen C6 of 2020	Gordon J	Drumgold SC leading McCann	Stellios leading Morrisroe	Constitutional challenge to s68BA Supreme Court Act 1933
17 May 2019	Thomson v Andrews C14 of 2018	per Court	Drumgold, instructed by McCann	Nekvapil, instructed by Hilly	Response to application for special leave to appeal to the High Court on the principle of legality vs implied right of entry in section 56A Bail Act 1992
10 Dec 2015	The Queen v GW [2016] HCA 6	French CJ, Bell, Gageler, Keane and Nettle JJ	Drumgold led by White SC	Odgers SC leading Baker	Status of sworn vs unsworn evidence under section 13 Evidence Act 2011, and relevant warnings under section 165 Evidence Act 2011

## Court of Appeal

<b>Date</b>	<b>Matter Name</b>	<b>Coram</b>	<b>Crown</b>	<b>Contra</b>	<b>Issues</b>
2 Mar 2023	The Queen v Ruwhiu	Loukas-Karlsson, Baker, Rangiah JJ	Drumgold SC leading McCann	Chen	Severity appeal
8 Nov 2022	R v Tuifua [2023] ACTCA 6	McCallum CJ, Mossop, Bromwich JJ	Drumgold SC leading McCann	Brett Walker SC leading Djemal	Severity appeal
16 Aug 2022	The Queen v Ashton (a pseudonym)	McCallum CJ, Elkaim, Collier JJ	Drumgold SC leading McCann	White SC	Severity appeal
15 Feb 2022	Kourpanidis v The Queen [2022] ACTCA 11	Mossop, Abrahams JJ, Walmsley AJ	Drumgold SC leading McCann	Odgers SC leading Baker	Severity appeal
10 Feb 2022	R v Newby [2022] ACTCA 20	Elkaim, Mossop, Bromwich JJ	Drumgold SC leading McCann	Campbell SC leading Morrisroe	Severity appeal
17-18 May 2021	Vunilagi v The Queen [2021] ACTCA 12	Mossop, Loukas-Karlsson, Abrahams JJ	Drumgold SC leading McCann	Stellios leading Musgrove, Garrison SC leading Younan for intervenor	Conviction appeal  Constitutional challenge to COVID amendments.
18 Feb 2021	Smith (a pseudonym) v The Queen [2021] ACTCA 16	Murrell CJ, Loukas-Karlsson, Charlesworth JJ	Drumgold SC leading McCann	B Walker SC leading Jones	Conviction appeal  Unreasonable verdict
18 Feb 2021	Finau v The Queen [2021] ACTCA 17	Burns, Loukas-Karlsson, Charlsworth JJ	Drumgold SC leading McCann	Brett Walker SC leading M Jones	Appeal against verdict of guilty  Unreasonable verdict

13-14 May 2020	Featherstone v The Queen; Bloxsome v The Queen [2020] ACTCA 33	Murrell CJ, Loukas- Karlsson J, Berman AJ	Drumgold SC leading McCann	Purnell SC leading Dempster (Featherstone) , Jones (Bloxsome)	Plea in Bar  Inconsistent verdicts  Unsafe verdict
13 Nov 2018	McLeod v R [2018] ACTCA 21	Elkaim, Mossop JJ, Robinson AJ	Drumgold instructed by McCann	McLachlan instructed by Edmonds	Sentencing error
12 Nov 2018	Parker v R [2018] ACTCA 6	Elkaim, Loukas- Karlsson J, Robinson AJ	Drumgold instructed by Lynch	McLachlan instructed by Ong	Sentencing error
13 Aug 2018	Marsh v R [2017] ACTCA 49	Burns J, Murrell CJ, North J	Drumgold instructed by Howe	Odgers SC leading Walsh	Admission of tendency evidence
14 -16 May 2018	Hoyle v R [2017] ACTCA 18	Burns J, Murrell CJ, North J	Drumgold instructed by McCann	Game SC leading Edwards SC instructed by Taylor	Admission of tendency (second limb of Hughes).  Admission of psychiatric evidence.  Admission of medical expert evidence.
15 Feb 2018	Walters v R [2017] ACTCA 17	Elkaim, Mossop, Wigney J	Drumgold instructed by Walker	Whybrow instructed by Kukules-Smith	Conviction and sentence appeal on conspiracy to traffic drugs conviction

13 Feb 2018	Williams v R [2017] ACTCA 8	Murrell CJ, Elkaim, Mossop J	Drumgold instructed by McCann	Self	Factual finding on sentence
5 Nov 2017	Leighton v R [2017] ACTCA 55	Mossop and Jagot JJ, and Robinson AJ	Drumgold	Self	Sentence severity
6 Nov 2017	Bartlett v R [2017] ACTCA 60	Mossop and Jagot JJ, and Robinson AJ	Drumgold	Bevan	Admission of tendency evidence.  Conviction appeal.
17 Feb 2016 & 27 Apr 2016	Tully v R ACTCA 55 of 2014	Murell CJ, Penfold and North JJ	Drumgold instructed by Smith	Self	Proof of age in historic sex matters, and use of dismissed counts as tendency.
14 Oct 2016	Miles v R ACTCA 54	Penfold, Burns and Witney JJ	Drumgold	Self	Sentence severity
13 Aug 2015	Livas v R ACTCA 10 of 2015	Murell CJ, Perry J and Warlmsley AJ	Drumgold instructed by Marson	Gill	Severity of sex offences in the context of negation of consent provisions in section 67 Crimes Act 1900.

3 Nov 2015	Holliday v R ACTCA 53 of 2014	Murrell CJ, Refshauge and Wamsley JJ	Drumgold instructed by Marson	Lawton	The interaction between inchoate offences under the Criminal code 2002, specifically incitement to murder and common purpose.
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## Supreme Court of the ACT

4 Mar – 22 Mar 2019	R v Ophel SCC 344 of 2017	Burns J	Drumgold leading Khazma instructed by Wei	Purnell SC instructed by Robertson	Attempt murder x 5 trial 2 by jury
17 Sep – 5 Oct 2018	R v Ophel SCC 344 of 2017	Murrell CJ	Drumgold leading Khazma instructed by Wei	Purnell SC instructed by Robertson	Attempt murder x 5 trial 1 by jury (hung jury)
28 May – 6 Jul 2018	R v Milan Urlich SCC 204 of 2016 (Murder)  R v Marc Urlich SCC 60 of 2017 (Accessory after the fact)	Burns J	Drumgold leading Christensen instructed by Swan	Milan Urlich – Lawton instructed by Hointing  Marc Urlich – Sabawhal instructed by Bowan	Murder trial by jury
6 Mar – 14 Apr 2017, and sentence 13 Jun 2017 and 4 Aug 2017	R v Al Harazi SCC 207 of 2015	Burns J	Drumgold leading Beljic instructed by Skvortsova	Archer instructed by De Bruin	Murder trial by jury
9 Oct 2017, 26 Oct 2017 and 28 Feb 2018	R v Woutersz SCC 73 of 2015	Penfold J	Drumgold instructed by Khazma	Archer instructed by Legal Aid	Manslaughter by diminished responsibility disputed facts and sentence
18-19 Jul 2016 and 5-8 Sept 2016	R v Rappel SCC 204 of 2016	Burns J	Drumgold instructed by Marson	Whybrow instructed by Aulich	Murder disputed facts and sentence

10 Aug 2016	R v Hagan SCC 155 of 2016	Burns J	Drumgold instructed by Concliffe	Lawton instructed by Saeedi	Disputed facts and sentence on traffic in large commercial quantity of methamphetamine
17 Aug 2016	R v Lee SCC 226 of 2015	Murrell CJ	Drumgold instructed by Swan	Archer instructed by Davies	Murder sentence
7 Nov 2016 – 20 Dec 2016	R v Woutersz SCC 73 of 2015	Murrell CJ	Drumgold instructed by Khazma	Collaery instructed by Rowe	Murder trial by jury (hung jury)
23 Mar – 14 Apr 2015 and 3 Dec 2015	R v Costa SCC 240 of 2012	Murrell CJ	Drumgold instructed by Khazma	Van de wiel SC (Melbourne Bar) leading Bradfield instructed by Lynch	Murder trial by jury and sentence
29 Jul – 29 Aug 2014 and 30 Oct 2014	R v Vojneski SCC 27 of 2013	Burns J	Drumgold leading Hiscox, instructed by Likeman	Pappas instructed by Woodhouse	Murder trial by jury and sentence
2 – 24 Apr 2013 and 31 May 2013	R v Yuen SCC 109 of 2011	Penfold J	Drumgold instructed by Lee	Thomas with Warwick instructed by Jackson	Murder disputed facts hearing by judge, and sentence
14-22 Sep 2014 and 15 Apr 2015	R v Holliday SCC 10 of 2014	Burns J	Drumgold instructed by Khazma	Livingston instructed by Legal Aid	Incitement to murder, kidnap and attempt to pervert the course of justice trial by jury and sentence



23 Sep – 1 Oct 2013 and 17 Dec 2013	R v Duffy SCC 268 of 2009  R v Iacuone SCC 295 of 2009  R v JR SCC 369 of 2009	Burns J	Drumgold leading Knibbs, instructed by Sweeney	Duffy – Sabharwal  Iacuone – Keith Chappel SC (Sydney Bar)  JR – Lawton	Conspiracy to murder trial by jury and sentence
1 Mar 2011	R v Sewell SCC 28 of 2011	Teague AJ	Drumgold instructed by Lee	Hastings SC (Melbourne Bar) leading Sabharwal instructed by Sharman	Conspiracy to murder trial by judge
22-24 June 2015	R v Hibbert SCC 243 of 2015	Refshauge J	Drumgold instructed by Marson	Phillip Dunn QC (Melbourne Bar) instructed by Mckenna	Sexual intercourse without consent trial by jury
Trial 2: 7 – 14 Apr 2014	R v GZ SCC 377 of 2009	Penfold J	Drumgold instructed by Burgoyne-Scutts	Gill instructed by Hubert	Sexual intercourse without consent trial by jury (2 <sup>nd</sup> retrial)
Trial 3: 29 Jun – 3 Jul 2015	R v GZ SCC 377 of 2009	Burns J	Drumgold instructed by Skvortsova	Winston Terracini QC (Sydney Bar) leading Quilter (Sydney Bar)	Sexual intercourse without consent trial by jury 3 <sup>rd</sup> retrial)
3- 5 Dec 2012 and 15 Feb 2013	R v Miles SCC 395A of 2011	Burns J	Drumgold instructed by Judd	Gill instructed by Legal Aid	Conspiracy to commit aggravated robbery trial by jury and sentence

29 Apr – 20 May 2013 and 30 Jul 2013	R v Ashcroft SCC 405 of 2010  R v Elphick SCC 108 of 2011	Penfold J	Drumgold instructed by Lee	Ashcroft – Harris SC (ACT Bar) instructed by Legal Aid  Elphick – Purnell SC (ACT Bar) instructed by Legal Aid	Conspiracy to inflict grievous bodily harm trial by jury (co-accused to R v Yuen) and sentence
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### **Defence work of note in the Solomon Islands (2006-2007)**

#### **Conventional murder trials**

- Regina v Tonawane, Saeeni and Ors [2006] HCSI-CRC 231 of 2004
- Regina v Moru [2006] HCSI-CRC 574 of 2005
- Regina v Yamallo [2006] SBHC 85; HCSI-CRC 169 of 2005

#### **Murder trial seeking stay of prosecution based on post-civil war amnesty**

- Regina v Su'u, and Ors [2007] HCSI-CRC 333 of 2006

#### **Judicial corruption trial (defence of Magistrate on 13 counts of abuse of office)**

- Regina v Fasi [2006] SBHC 73; HCSI-CRC 489 of 2004

#### **High Court declaration of unlawful conduct by Solomon Islands Dept of Corrective Services**

- Ross and Ors v Attorney General [2006] SBHC 141; HCSI-CC 573 of 2005

#### **High Court application for Mandamus and Certiorari**

- Paul Eddie v Attorney General [2006] SBHC 104; HCSI-CC 72 of 2006

**Publications:**

Sept 2018	We need an ideological revolution in criminal justice	ACT Bar Bulletin
Feb 2017	Human Rights Balance	ACT Bar Bulletin
Feb 2015	800 Years of the First Great Charter	ACT Bar Bulletin
2011	Palm Tree Justice – Inside RAMSI  (Gold medallist 2011 eLit Publishing awards) [www.palmtreejustice.com]	Lightening Press  ISBN 978-0-646-56772-3
2004	Report on Restorative Justice Programs for Indigenous Offenders in the USA, Canada and New Zealand	Winston Churchill Memorial Trust [www.churchilltrust.com.au]
2004	Restorative Justice – A shift in paradigm	9 <sup>th</sup> International Criminal Law Congress
2001	The progress of Aboriginal custody rates on the 10 <sup>th</sup> anniversary of the Royal Commission into Aboriginal Deaths in Custody	Indigenous Law Bulletin Volume 5 Issue 8

**Speeches of note**

14 July 2022	Emerging Crime Types and Threats The transition to e-crime.	Heads of Prosecutions Agencies meeting, Inner Temple London England.
12 July 2022	Covid Challenges in prosecution agencies in Australia	Heads of Prosecutions Agencies meeting Inner Temple London England.
19 May 2022	The evolution of the role of the Office of the Director Public Prosecutions: the challenges of meeting expectations of public trust	Keynote address Anglo Australasian Lawyers Society
22 April 2021	University of Canberra Graduation Address	National Convention Centre
3 Feb 2020	Keynote address, in response to Justice Virginia Bell	2019 High Court of

		Australia Silks Gala Dinner
21 Nov 2019	The Law and the age of Enlightenment	McAulay Oration National Institute of Forensic Science
21 May 2019	Challenges ahead of a new Director	ACT Government Executive Speaker Series

**CDP presentations:**

5 March 2022	Bounded discretions or arbitrary decisions	ACT Bar Association Conference
25 Aug 2018	Ethics Law and Technology – Giving expert evidence in court	Neuroscience and society
4 Mar 2017	Fitness to plead; expert evidence and the law	Australian and New Zealand Associations of Psychiatry, Psychology and Law conference
16 Jul 2016	Mental Impairment Defences under the Crimes Act 1900 and Criminal Code 2002	Australian and New Zealand Associations of Psychiatry, Psychology and Law conference
1 Jun 2016	Mental Impairment Defences under the Crimes Act 1900 and Criminal Code 2002	ACT Bar
8 Jul 2015	History of the Magna Carta	ACT Bar
27 Sep 2012	DPP Costs in criminal matters	ACT Law Society
14 Oct 2010	Expert provisions under the Evidence Act 1995 in Criminal Proceedings	ACT Bar
9 Nov 2004	Introduction of the Crimes (Restorative Justice)	ACT Law Society