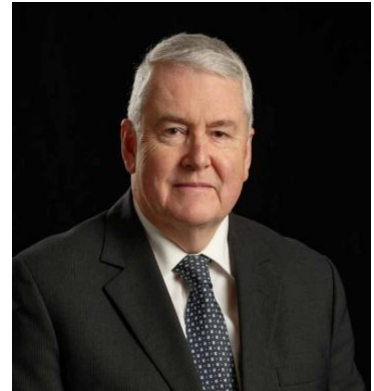


Charles Gunst QC



Charles Gunst QC practises in employment, administrative and commercial law

QUALIFICATIONS

Bachelor of Science
Bachelor of Laws
Master of Laws

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Aviation | Contractual Disputes

EMPLOYMENT & INDUSTRIAL

Appellate | Confidential Information | Employment Contracts | Restraint of Trade | Statutory
Employment Rights

TORT LAW

Common Law | Negligence | Product Liability | Professional Negligence

PUBLIC LAW

Administrative Law | Aged Care | Appellate | Commissions & Inquiries | Immigration | Judicial
Review

Charles Gunst QC took Silk in 1997. He specialises in employment, administrative and commercial law. He practises extensively in the Victorian Supreme Court and the Federal Court, at first instance and at appellate level.

He has been a member of the Victorian Bar Council, the Editorial Committee of the Victorian Bar News and many other Bar committees, and for many years a Bar appointee to the Council of Law Reporting in Victoria. He is also the Chancellor of the Anglican Diocese of Ballarat.

Liability limited by a scheme approved under the Professional Standards Legislation

Recent Cases

COMMERCIAL LAW

French & Ors v Smith & Ors [2004] VSCA 207 - partnership dispute

Tru Floor Pty Ltd and Ors v Jenkins [2006] FCA 632 - company directors insolvent trading

Beevers v Port Phillip Sea Pilots Pty Ltd & Anor [2007] VSC 556 (Corporations Act: company shareholders' dispute, Supreme Court, Dodds-Streeton J)

Rotorcare Pty Ltd v The Helicopter Services (Agencies) Australia Pty Ltd & Anor [2007] VSC 481 (aviation contract dispute, Supreme Court, Forrest J)

Barfuss & Ors v Altmann [2008] NTCA 1 (mining joint venture dispute, Northern Territory Court of Appeal, Martin CJ, Riley and Southwood JJ)

Sali v Metzke & Allen [2009] VSC 48 (accountants' negligence/proportionate liability, Supreme Court, Whelan J)

Ananda Marga Pracaraka Samgha Ltd v Tomar [2010] FCA 565 and [2010] FCA 1342 (company shareholders' dispute, Federal Court, Dodds- Streeton J)

COMMON LAW

Kalenik v Apostolidis & Ors [2009] VSC 208, [2009] VSC 410 and [2009] VSC 475 (Property Law Act de facto property dispute, Supreme Court, Hargrave J)

Watkins v The State of Victoria & Ors [2010] VSCA 138 (police assault damages claim, Court of Appeal, Ashley and Mandie JJA and Beach AJA)

EMPLOYMENT

Walker v Citigroup Global Markets Australia Pty Ltd [2005] FCA 1866 and [2006] FCAFC 101 (Trade Practices/ employment contract, Federal Court, Kenny J and on appeal to the Full Federal Court Gyles, Edmonds and Greenwood JJ)

Whittaker v Unisys Australia Pty Ltd [2010] VSC 9 (employment redundancy claim, Supreme Court,

Ross J)

Carter v The Dennis Family Corporation [2010] VSC 406 and [2010] VSC 431 (breach of employment contract, Supreme Court, Habersberger J)

HEALTH

Riverside Nursing Care Pty Ltd v Secretary, Department of Health and Aged Care [2003] AATA 248 and on appeal [2003] FCA 1065 - nursing home disqualification appeal , AAT

Saitta Pty Ltd v Secretary, Department of Health and Aged Care [2003] VSC 170 - public law misfeasance damages claim

Marnotta Pty Ltd v Secretary, Department of Health and Ageing [2005] AATA 426 then on appeal [2005] FCA 1395 - nursing home disqualification appeal

INDUSTRIAL RELATIONS

Visscher v Australian Industrial Relations Commission [2005] FCAFC 252 - industrial relations appeal

Comcare v Line [2002] FCAFC 321 - Commonwealth employees' compensation appeal

Barclay v The Board of Bendigo Regional Institute of TAFE [2010] FCA 284 and on appeal [2011] FCAFC 14 (industrial dispute, workplace discrimination, Federal Court)

TAXATION

VAI v Forgie [2003] FCA FCA 87 - income tax appeal

TRADE PRACTICES

Allan and Macdonald v Australian Wool Innovation Ltd [2005] FCA 105 - trade practices, employment contracts

Hardcrome Engineering Pty Ltd v Kambrook Distributing Pty Ltd [2000] VSC 359 - product liability

Pendrigh v Canon Australia Pty Ltd [2000] VSC 511 - product liability

Whittle and Ors v Filaria Pty Ltd [2004] ACTSC 45 - trade practices, investment scheme

Walker v Citigroup Global Markets Australia Pty Ltd [2005] FCA 1866 and [2006] FCAFC 101 - Trade practices, employment contract

PROBATE

Dimos v Skaftouros & Ors [2004] VSCA 141 - probate, removal of executor

ADMINISTRATIVE LAW

O'Sullivan v Parkin [2008] FCAFC 134 (public interest immunity claim in respect of security documents, Full Federal Court, Ryan, North and Jessup JJ)

Re Minister for Immigration, Ex parte Te and Dang (2002) 212 CLR 162 (constitutional law, aliens power for criminal deportation)

STCB v Minister for Immigration and Multicultural and Indigenous Affairs [2006] HCA 61; (2006) 231 ALR 556; (2006) 81 ALJR 485 (administrative law: immigration appeal, High Court)

Daley v Newnham and Ors [2005] VSC 303 - political party faction dispute

Wong v Inspector-General in Bankruptcy [2008] AATA 487 (Bankruptcy Act: appeal against disqualification of trustee).

IMMIGRATION

Cabal and Ors v Minister for Immigration [1999] FCA 11; [1999] FCA 13; [1999] FCA 188; [1999] FCA 709; [2000] FCA 1806 - a series of challenges to the deportation of a high-profile fugitive banker

Minister for Immigration v VFAD of 2002 [2002] FCAFC 390 - power of Federal Court to order release from immigration detention

Bakhtiari v Minister for Immigration - a series of challenges to the immigration detention of children in the Family Court in Adelaide 2004-2005

VAF v Minister for Immigration [2004] FCAFC 123- refugee appeal

Minister for Immigration and Citizenship v SZCWF [2007] FCAFC 155 (administrative law: immigration appeal, Full Federal Court)

Memberships

Member of the Board of Directors of List G Barristers

Council of Law Reporting in Victoria, Bar Appointee (since 1982)

Commonwealth Administrative Appeals Tribunal (Melbourne) Liaison Committee (since 1994)

Deputy Chancellor, Anglican Diocese of Ballarat (and from December 2010 acting Chancellor)

Instructor (part-time) at the Leo Cussen Institute in its Graduate Diploma in Legal Practice course since 1985