

CAL VINEY

Koiki Mabo Chambers

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Areas of practice

- Public and administrative law (merits review, trial and appellate).
- Commissions and inquiries.
- Native title and treaty law.
- Quasi-criminal law (mental impairment supervision orders; corruption commissions).
- Human rights law.
- Planning and environment law.
- Intentional torts (especially false imprisonment).
- Electoral and campaign finance law.
- Personal injury (judicial review of medical panel decisions).

Qualifications

LLM (Public Law), London School of Economics (2012-13).

- Chevening Scholarship (Australian recipient for 2012-13), UK Foreign & Cth Office.
- Stanley De Smith Prize (awarded for the best performance in the public law specialism).

LLB (Hons), BA (Dist.), Deakin University (graduating 2010).

- Dean's Merit List Award for Law

Prior Experience

- Deputy General Counsel/Senior Adviser to the former Premier of Victoria (2016-2021).
- Adviser, Department of the Prime Minister and Cabinet (Australia) (2014-2016).
- Lawyer, Hunt & Hunt Lawyers (2011-2012).

Sample list of recent and current cases (current as of September 2026)

High Court (original jurisdiction)

- *Ismail & Ors v. State of Queensland No. B55/2026* (Counsel for the plaintiffs, led by Stephen Keim SC, with Rachel Taylor, Nicholas Petrie, Laila Hamzi and Yusur Al-Azzawi, ongoing).

- **Issues:** Implied freedom of political communication; *Criminal Code 1899* (Qld) s 52DA.

High Court (special leave)

- *Puohotaua v. Minister for Immigration and Citizenship & Anor* [\[2026\] HCADisp 40](#) (Counsel for the Applicant, led by L. Brown S.C., with N Petrie and C Fitzgerald).
 - **Issues:** failure to warn of privilege against self-incrimination; procedural fairness; materiality.
- *WKMZ v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs & Anor* [\[2021\] HCATrans 195](#) (Counsel for the Applicant, led by Nick Wood S.C.).
 - **Issues:** migration law; rationality; speculation of tribunal.

Intermediate Appellate Courts

- *Capel Sound Foreshores Committee of Management v Emeritus Professor Malcolm Sim & Ors* [\[2026\] VSCA 77](#) (Counsel for the Appellant, led by Matthew Hooper SC, opposed to F Ryan SC with Y Al-Azzawi).
 - **Issues:** Judicial review of medical panel decision; AMA Guides, s 3.2; whether impairment assessment conducted in accordance with the AMA Guides; significant injury.
- *CEO, Department of Environment, Science and Innovation v Nagana Yarrabayn Wangan and Jagalingou Cultural Custodians* [\[2026\] QCA 7](#) (Counsel for the Respondent on Appeal and Applicant on Cross Appeal, led by E. Nekvapil SC with Kasey McAuliffe-Lake).
 - **Issues:** *Human Rights Act 2019* (Qld) (Aboriginal cultural rights); *Environmental Protection Act 1994* (Qld) (failure to issue EPO or take action against Adani coal mine); *Civil Proceedings Act 2011* (Qld) (scope of declaratory relief).
- *Ramith v Homes Victoria & Ors* [\[2025\] VSCA 295](#) (Counsel for the Applicant, led by P. Czarnota, with S. Mullaly appearing at hearing due to parental leave).
 - **Issues:** procedural fairness; materiality; incorporated by reference; new evidence on appeal; statutory construction; *Wrongs Act 1958* (Vic); AMA Guides to the Evaluation of Permanent Impairment (4th Ed).
- *Capel Sound Foreshores Committee of Management v Prof. Sim & Ors* (Supreme Court of Victoria Court of Appeal, Counsel for the Applicant, led by P Czarnota, ongoing).

- **Issues:** administrative law; statutory construction; *Wrongs Act 1958* (Vic); AMA Guides to the Evaluation of Permanent Impairment (4th Ed).
- *Moorabool and Central Highlands Power Alliance Incorporated v Minister for Energy and Resources* [\[2024\] VSCA 201](#) (Supreme Court of Victoria Court of Appeal, Counsel for the Plaintiff, led by N Wood S.C.).
 - **Issues:** statutory construction; delegated legislation; incompatibility; executive orders; unreasonableness; *National Electricity (Victoria) Act 2005* (Vic); National Electricity Law and Rules (RIT-T; transmission augmentation; ISP; AEMO powers and functions).
- *Citywide Service Solutions Pty Ltd v Rosata; Kabbout v Crown Melbourne Ltd & Ors* [\(2023\) 76 VR 499](#); [\[2023\] VSCA 281](#) (Counsel for the Second Respondent, led by P. Czarnota.).
 - **Issues:** tort; non-economic loss; significant injury; statutory construction.
- *Victorian Workcover Authority v Robert Putrus* [\[2023\] VSCA 28](#) (Counsel for the Respondent, led by P. Czarnota).
 - **Issues:** administrative law; mandatory relevant considerations; adequate reasons (Wingfoot); *Workplace Injury and Rehabilitation Act 2013* (Vic).
- *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v FAK19 or Ors*; [\(2021\) 287 FCR 181](#); [\[2021\] FCAFC 153](#) (Counsel for the Respondent, led by N. Wood S.C. (for CZW20)).
 - **Issues:** judicial review; migration; correct understanding and proper consideration of role of non-refoulment obligations; jurisdictional error.

Supreme Courts (Trial)

- *Puc v Woolworths Group Ltd & Ors* [\[2026\] VSC 528](#) (Counsel for the First Defendant, unled, opposed to R Kumar KC with C Spitaleri).
 - **Issues:** Public law; judicial review of medical panel decision; mandatory relevant considerations; fundamental error; findings not open on evidence; illogicality; inadequate reasons.
- *Ruiz-Matthyssen v Slater & Gordon Limited* (Supreme Court of Victoria, Counsel for the Defendant, led by M Hooper S.C., ongoing).

- **Issues:** *Wrongs Act 1958* (Cth); gateway provisions; employment contracts; negligence; novel duty; sub-contracting contracts; psychiatric injury; reputational harm; *Occupational Health and Safety Act 2004* (Vic); contract law; implied terms; breach of contract; defamation.
- *Baig v Toll Personnel Pty Ltd & Ors* [\[2025\] VSC 728](#) (Supreme Court of Victoria, Counsel for the First Defendant (the employer), led by M Fleming K.C.).
 - **Issues:** judicial review of medical panel decision (personal injury); factual error amounting to jurisdictional error; illogicality/irrationality of process; inadequate reasons; *WIRC Act 2013* (Vic).
- *Enright v Beard* [\[2025\] VSC 427](#) (Supreme Court of Victoria, Counsel for the Defendant, unled).
 - **Issues:** Criminal appeal on error of law; *Criminal Procedure Act 2009* (Vic); *Road Safety Act 1986* (Vic); leave to appeal; charge sheet validity; materiality.
- *Nagana Yarrbayn Wangan and Jagalingou Cultural Custodians Ltd v Chief Executive, Department of Environment, Science and Innovation* [\[2025\] QSC 132](#) (Supreme Court of Queensland, Counsel for the Defendant, led by E. Nekvapil S.C., with K. McAuliffe-Lake).
 - **Issues:** judicial review; human rights; environmental protection; dismissal under *Judicial Review Act 1991* (Qld); *Human Rights Act 2019* (Qld) (Aboriginal cultural rights); *Environmental Protection Act 1994* (Qld); *Civil Proceedings Act 2011* (Qld) (scope of declaratory relief).
- *Moorabool and Central Highlands Power Alliance v Minister for Energy and Resources* [\[2023\] VSC 774](#) (Counsel for the Plaintiff, led by Nick Wood S.C. with E. Nadon).
 - **Issues:** validity of Minister orders overruling national electricity legislation; standing; adequacy of reasons; delegated legislation; uncertainty; improper purpose; inconsistency; *National Electricity (Victoria) Act 2005* (Vic); National Electricity Law and Rules (RIT-T; transmission augmentation; ISP; AEMO powers and functions).
- *Francis Plumbing & Gasfitting Pty Ltd v Davine & Ors* [\[2024\] VSC 538](#) (Supreme Court of Victoria, Counsel for the Plaintiff, led by M. Norton S.C.).
 - **Issues:** impairment benefit; denial of procedural fairness for a matter coming ‘out of the blue’ in panel decision; denial of procedural fairness.

- *Woodman v IBAC* [\[2022\] VSC 684](#) and *Woodman v IBAC (No 2)* [\[2022\] VSC 753](#) (Counsel for the Plaintiff, led by N. Wood S.C.).
 - **Issues:** procedural fairness obligations owed by Independent Broad-based Anti-Corruption Commission to person subject to compulsory powers; jurisdictional error.
- *Wortel v Disler & Ors* [\[2023\] VSC 646](#) (Counsel for the Sixth Defendant, led by M. Fleming K.C.).
 - **Issues:** judicial review of medical panel decision; misconstruction of question by panel; whether findings open to panel.
- *Douglass v Sunbeam Foods & Ors* [\[2023\] VSC 205](#) (Counsel for the First Defendant, led by M. Fleming K.C.).
 - **Issues:** judicial review of medical panel decision; current work capacity finding; mandatory relevant considerations; inadequate reasons.
- *Asuramanage v Anglican Aged Care Services Group & Ors* [\[2023\] VSC 525](#) (Counsel for the Defendant, led by M. Norton).
 - **Issues:** judicial review of medical panel decision; whole person impairment decision; mandatory relevant considerations; AMA Guides.
- *Addison-Radford v State of Victoria & Ors* [\[2023\] VSC 457](#) (Counsel for the Plaintiff, led by P. Czarnota).
 - **Issues:** judicial review of medical panel decision; whole person psychiatric impairment; proper application of the Guide to the Evaluation of Psychiatric Impairment for Clinicians; legal unreasonableness.
- *Putrus v Fish & Ors* [\[2021\] VSC 853](#) (Counsel for the Plaintiff, unled.)
 - **Issues:** judicial review of medical panel decision; whether issue of chronic pain was squarely raised on the materials before the panel; mandatory relevant considerations; unreasonableness.
- *Appearances for the Attorney-General in applications pursuant to Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (unled, but generally suppressed). For example, *Re JRG* [\[2025\] VSC 631R](#).
 - **Issues:** risk of re-offending; custodial supervision as against community supervision; HCR-20 tool for assessing risk of future violence; psychiatric expert evidence; NDIS supports; principle of parsimony.

Federal Court (Trial)

- *Matthews v Minister for Immigration and Citizenship & Anor* (Federal Court of Australia, Counsel for the Applicant, unled, opposed to B McGlade; reserved).
 - **Issues:** Public law; migration law; risk of re-offending; failure to consider; irrationality in reasoning process.
- *Top End (Default PBC/CLA) Aboriginal Corporation RNTBC v Northern Territory of Australia and Others, NTD 9 of 2025* (Federal Court, Counsel for the Applicant, led by S. Glacken K.C., ongoing).
 - **Issues:** native title future acts regime; validity of license to operate tourism park by Territory; unlawful exercise of power; conflict of laws.
- *BKN25 v the Commonwealth* (Federal Court, Counsel for the Applicant, led by L. De Ferrari S.C., with C. Fitzgerald, resolved).
 - **Issues:** habeas corpus; judicial review; mandamus; calculating damages for unlawful imprisonment while in migration detention.
- *Gary John Murray & Ors on Behalf of the Wamba Wemba Native Title Group v State of Victoria and Ors* (Federal Court of Australia, Counsel for First Nations Legal and Research Services, unled, ongoing).
 - **Issues:** native title; solicitor conflict of interest; implied jurisdiction to protect integrity of judicial process.
- *Patrick Fagan & Ors on behalf of the Wadawurrung Native Tile Claim v State of Victoria and Ors* (Federal Court of Australia, Counsel for the TBMV Respondents, unled, ongoing.)
 - **Issues:** native title; native title interest; areas of overlap; oral history; historical records.
- *GPBL v the Commonwealth & Ors* [\[2024\] FCA 830](#) (Counsel for the Plaintiff, Federal Court of Australia, led by E. Nekvapil S.C.).
 - **Issues:** costs where Respondent's conduct amounts to complete vindication of Applicant claim; habeas corpus; unlawful detention.
- *Jolly v Australian Rail, Tram and Bus Industry Union* (Federal Court of Australia, Counsel for the Applicant, led by H. Borenstein K.C. with Y. Bakri, resolved).
 - **Issues:** industrial law; judicial review of Fair Work Commission decision.

- *PKZM v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [\[2021\] FCA 845](#) (Counsel for the Applicant, unled).
 - **Issues:** mandatory relevant considerations in migration law.

Tribunals (Merits Review; Industrial Law' AFL/VFL Tribunal)

- *Alix Tauru and Victorian Football League* (VFL Tribunal, counsel for player Tauru, unled, opposed to M McLay)
 - **Issues:** rough conduct; concussion; principles of penalties; grading of conduct; VFL Regulations.
- *Australian Municipal, Administrative, Clerical and Services Union (ASU) v Darebin City Council and Ors* [\[2026\] FWC 734](#) (Counsel for the ASU, unled, opposed to L Howard)
 - **Issues:** Industrial law; proposed protected action ballot of employees of 8 Melbourne councils who are subject to the single interest authorisation; whether genuinely trying to reach agreement; non-AEC ballot electronic voting.
- *OkeBet v Victorian Gambling and Casino Control Commission* (VCAT penalty hearing, Counsel for the Respondent, unled, reserved).
 - **Issues:** Gambling Regulation Act 2003 (Vic); penalties hearing for liabilities; principles of civil penalties regimes.
- *Partnership of Mr Campbell McCutcheon and Mr Casey McCutcheon 50 657 044 715 t/as MintBet and Victorian Gambling and Casino Control Commission* (VCAT, Counsel for the Respondent, led by Nick Wood S.C., ongoing).
 - **Issues:** gambling regulation; what amounts to problem gambling; obligations of online bookmakers to prevent problem gambling harm.
- *Ford v Victorian Electoral Commission (Review and Regulation)* [\[2023\] VCAT 737](#) (Counsel for the Applicant, led by Peter Willis S.C.); *McQuestin v Victorian Electoral Commission* [\[2023\] VCAT 591](#) (Counsel for the Interested Party, led by Peter Willis S.C.).
 - **Issues:** Electoral law; registration of how-to-vote cards and whether misleading or deceptive; candidate endorsement.
- *Cat Media Pty Limited, Carotino (Australia) Pty Limited, Pharm-a-Care Laboratories Pty Ltd and Minister for Health and Aged Care* [\[2022\] AATA 1254](#); [\[2023\] AATA 2792](#) (Counsel for the Respondent, led by Nick Wood S.C.).

- **Issues:** Review of decision under *Therapeutic Goods Act 1989* (Cth) to cancel of listing of therapeutic goods; false or misleading advertising.
- *Henry Trucking Pty Ltd v Daniel Herrmann & Ors* [\[2023\] VCAT 1185](#) (Counsel for Viva Energy Australia Pty Ltd, led by Nick Wood S.C.).
 - **Issues:** Planning and environment; gas pipeline risk to health and safety.

Commissions and Inquiries

- *Independent Broad-based Anti-corruption Commission, Operation Richmond*, [Final Report 2026](#) (Counsel for a person examined; led by K Foley SC, with O Ciolek)
 - **Issues:** operation concerned allegations of corrupt conduct relating to the negotiation of enterprise bargaining agreements between the State and its Fire Services (CFA, MFB), and also the establishment of FRV.
- *Victorian Parliamentary Inquiry into the 2026 Summer Fires across Victoria*, [Final Report 2026](#) (Counsel for Inspector-General for Emergency Management, and other State witnesses, unled).
 - **Issues:** Parliamentary inquiry; compulsory powers; privilege; emergency management law in Victoria; *Emergency Management Act 2013*; *Country Fire Authority Act 1958*; appropriations law; Legislative Council Standing Orders.
- *Board of Inquiry into the McCrae Landslide*, [Final Report 2025](#) (Counsel for Mornington Peninsula Shire Counsel, led by K. Foley S.C., with E. Bateman and Dr. W. Phillips.)
 - **Issues:** cause of January 2025 landslide; geology; hydrology; erosion management; planning and environment law; planning scheme amendments; land use planning; emergency management; building and construction regulation; water law; expert evidence.
- *Inquest into the Death of Joshua Steven Kerr*, [Report of 2024](#) (Coroner's Court of Victoria, Counsel for the Department of Justice and Community Safety, led by L. Brown S.C.).
 - **Issues:** First Nations Death in custody; cause of death; private prison system emergency management; ambulance and hospital emergency care/assessment/discharge procedures.
- *Parliamentary Inquiry into the 2022 Flood Event in Victoria*, [Report of 2024](#) (Counsel for Campaspe Shire Council, unled).

- **Issues:** October 2022 Victorian flood event; climate change; water law; planning and environmental law; building law; early warning systems; local government responsibilities within emergency management framework; flood management strategy.
- *Ombudsman Victoria Investigation into Alleged Politicisation of the Public Sector, [Report of 2023](#)* (Counsel for a person examined, led by Nick Wood S.C.).
 - **Issues:** acting for persons examined by the Ombudsman in an investigation that concerned the accountability of ministerial staff and public servants including in the design and development of Victorian “Big Build” projects.
- *Independent Broad Based Anti-Corruption Commission Operation Watts, [Report of 2022](#)* (Counsel for a person examined, unled).
 - **Issues:** Alleged branch-stacking within ALP; alleged mis-use of electoral officers, ministerial office staff and public resources; limits of IBAC and Ombudsmen jurisdiction.

Significant advice

- *Electoral Funding Amendment Act 2025* (Cth) (Counsel for a major Federal political party, unled).
 - **Issues:** legislation drafting and design; mediation and negotiation; constitutional implied freedom of political communication; campaign finance law; donations caps; campaign expenditure caps; parliamentary process.
- *Electoral Amendment Bill 2025* (Victorian Parliament) (Counsel for a major State political party, unled).
 - **Issues:** legislation drafting and design; constitutional implied freedom of political communication; nominated entities regime; political expenditure limitations and caps.

Publications

- Kateena O'Gorman SC and Cal Viney, 'Disclosure Obligations of Anti-Corruption Commissions: From Individual Fairness to Institutional Effectiveness' in Petrie N and Murphy J R, *Public Law and Criminal Law in Australia: Overlap, Intersection and Inconsistency*, Federation Press, 2025.

- Cal Viney & Thomas Poole, 'Independent Fiscal Institutions' in Masterman R and Schutze R, *Cambridge Companion to Comparative Constitutional Law*, Cambridge University Press, London, 2019.
- Martin Loughlin & Cal Viney, 'The Coalition and the Constitution' in Seldon A and Finn M, *The Coalition Effect: 2010-2015*, Cambridge University Press, London, 2015.