

GAIL FURNESS SC

OVERVIEW

Barrister practicing at the New South Wales Bar.

Appointed Senior Counsel on 7 October 2010.

Practicing principally in Public Law, including in the areas of health law, disciplinary inquires, environmental law, inquests, Special Commissions of Inquiry and Royal Commissions and other investigations and inquiries.

Currently, Senior Counsel Assisting the Judicial Inquiry into the convictions of Kathleen Folbigg 2018-2019

Recently conducted an Inquiry for the Medical Council of NSW into the management of Dr Gayed by the Medical Council of NSW, report dated 31 October 2018

Recently conducted an Inquiry for the Secretary NSW Health into the management of Dr Gayed by various local health districts, report dated 21 January 2019.

Senior Counsel Assisting the Royal Commission into Institutional Response to Child Sexual Abuse between January 2013 and December 2017

QUALIFICATIONS

Appointed Senior Counsel, October 2010

Bachelor of Arts, University of Queensland, 1982. Majors in Journalism and English. Sub majors in Government and Philosophy

Bachelor of Laws (Hons), University of Melbourne, 1985

Master of Laws, University of Melbourne, 1989

Admitted to practice as a solicitor of the High Court and as a barrister and solicitor of the Supreme Court of Victoria, 1986

Admitted to practice as a solicitor of the Supreme Court of New South Wales, 1990

Admitted to practice as a barrister of the Supreme Court of New South Wales, August 1997

PROFESSIONAL ACHIEVEMENTS

Senior counsel assisting the Royal Commission into Institutional Responses to Child Sexual Abuse: January 2013 – December 2107

Administrative Decisions Tribunal

Legal Member of the ADT in the General Division and Equal Opportunity Division from 2007 to 2013

Professional Conduct Committee

Member of a PCC of the Bar Association from 2005 to 2012 and from 2018 to date

Bar News Committee

Member of Bar News Committee from 2018 to date

Inquiries

Advised and conducted investigations and inquiries pursuant to Casino Control Act 1992 for the Casino Control Authority, most recently in 2012 into, among other matters, the suitability of the casino operator to continue to hold the casino license. I also conducted similar inquiries in 2000, 2002, 2003, 2006, 2011. I assisted Bret Walker SC and Peter McClellan QC (as he then was) in the early inquiries and I conducted the 2011 and 2012 inquiries

Senior Counsel for the State of NSW in the Murray Darling Basin Royal Commission conducted by Bret Walker SC 2018

Senior Counsel assisting with Christine Adamson SC the Hon Brian Tamberlin into the Special Commission of Inquiry into the Electricity Transactions: April 2011 – October 2011

Junior then Senior Counsel assisting with Jeremy Gormly SC in the Judicial Commission Inquiry into Magistrate Betts: May 2010 – April 2011

Counsel assisting the Hon James Wood QC in the Special Commission of Inquiry into Child Protection Services in NSW: November 2007 – November 2008

Counsel assisting Bret Walker SC in the Special Commission of Inquiry into the operation of Sydney Ferries Corporation: April 2007 – October 2007

Junior Counsel assisting with John Sackar QC in the Judicial Commission Inquiry into Judge Ian Dodd: June – July 2005

Counsel assisting Bret Walker SC in the Special Commission of Inquiry into Campbelltown and Camden Hospitals: December 2003 – July 2004

Between 2000 and 2019 conducted numerous inquiries, investigations and reviews for government agencies including Department of Health, Area Health Services (as they then were), NSW Medical Board and for private bodies

Inquests

Appeared in and advised on numerous inquests as counsel assisting and counsel for other parties, including as counsel assisting the Inquest into the deaths of James Unicombe, Michael Poole and Grace Yates in 2012, Inquest into the death of Dianne Brimble in 2010 and as junior counsel to Peter McClellan QC (as he then was) for National Parks and Wildlife Service in the Thredbo Inquest from 1997 until 2000 and various Inquests representing NSW Health and other government agencies

Disciplinary Tribunals

Appeared in and advised on numerous health disciplinary Tribunals including Medical Tribunal, Nurses Tribunal and Pharmacy Boards of Inquiry including appeals therefrom to District and Supreme Courts and Court of Appeal

Other matters

Advised and appeared for the Minister for and the Department of Environment and Conservation, a number of councils and others in environmental law proceedings before the Land and Environment Court and Court of Appeal

Appeared in litigation, including as junior counsel to Peter Garling SC (as he then was) in the litigation arising out of the Thredbo landslide

1994 – 1997 (before coming to the bar)

Deputy Commissioner, and on a number of occasions, Acting Commissioner of the Health Care Complaints Commission, a statutory authority responsible for investigating and prosecuting health practitioners in New South Wales.

1989 - 1994

Lawyer with and Solicitor to the Independent Commission Against Corruption in New South Wales. Head of the legal and policy department and a key member of the senior management of the Commission.

PUBLICATIONS

"Reforming the Law" (1988) 62 *Law Institute Journal* 631

"Injunctions and the Contract of Employment" (1989) 2 *Australian Journal of Labour Law* 234

Royal Commissions and the Making of Public Policy (1994) ed. P Weller

"Discipline and Bondage, Aspects of the disciplinary jurisdiction concerning medical practitioners", (1997) 20(3) *UNSW Law Journal* 760

"Health Law" in *Law Handbook* (1997)