

# GREENS LIST

BARRISTERS



## NICK BOYD-CAINE

BAR ROLL: 2021 | ADMITTED: 2015

Nick has a broad practice focussing on public law (including judicial review, administrative law, human rights law, regulatory law and professional misconduct) and commercial law.

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CHAMBERS: [Koiki Mabo Chambers](#)

## EXPERTISE

**Alternative Dispute Resolution | Appellate | Commercial Law | Common Law | Competition Law & Consumer Law | Environmental Law & Planning Law | Government Law | Industrial Relations Law & Employment Law | Inquests, Inquiries, Tribunals & Commissions | Public Law & Administrative Law**

## PROFILE

Nick has a broad practice including public, commercial, common and criminal law. Nick has a particular interest and expertise in First Nations' legal issues.

Nick commenced his career at Allens, practicing in the Disputes and Investigations team. He then practiced as a civil lawyer at the Victorian Aboriginal Legal Service, where he led strategic litigation on the Victorian Charter, deaths in custody, and racial discrimination. Nick has worked as a Court Legal Advisor to the Magistrates' Court of Victoria, and was a research fellow to the Dean of the Melbourne Law School.

Nick holds a Juris Doctor from Melbourne Law School, and a Master of Laws from Columbia University, where he was named a Harlan Fiske Stone Scholar and received a Recognition of Achievement from the Parker School of Foreign and Comparative Law.

Recent matters that Nick has appeared in include:

## **Public Law**

*QYFM v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (High Court of Australia, reserved) – application of apprehended bias principles to multi-member judicial panels (led by Emrys Nekvapil SC, with Chris Fitzgerald).

*Mukiza v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (High Court of Australia – special leave) – application of Vane principles to the AAT (led by Emrys Nekvapil SC, with Chris Fitzgerald).

*Motufoaki v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (Federal Court of Australia, reserved) – appeal concerning legal unreasonableness and failure to include relevant considerations when making a 501 character cancellation (led by Matthew Albert).

*Couzens on Behalf of the Eastern Maar People v State of Victoria* (Federal Court of Australia) – acting for a party seeking addition to the central claim under the Traditional Owner Settlement Act 2010 (Vic) (led by Tom Keely SC).

Acting for applicants in NDIS claims before the AAT, human rights complainants before VCAT, First Nations clients in racial discrimination claims before NTCAT, and victims in proceedings before VOCAT.

## **Commissions and Inquests**

*Yoorrook Justice Commission* – aiding Counsel Assisting the Commission in relation to the engagement of Victoria Police with First Nations communities.

*Inquest into the Death of Mathew Luttrell* – representing the family, considering the clinical and cultural care provided to a First Nations man (led by Claire Harris KC).

*Inquest into the Death of Jacob Kennedy* – representing the family, considering the clinical and cultural care

provided to a First Nations man (led by Tim Farhall).

*Inquest into the Death of Sebastian D'Imperio* – representing local council as an interested third party, concerning the death of a child at a motocross track (unled).

*Inquest into the Death of Dylan Charlton-Smith* – representing the family in a death in custody (unled).

## Common Law

Nick has a strong interest in police accountability matters and has represented plaintiffs in tort actions in both the Supreme Court of Victoria and the County Court of Victoria.

## Criminal Law


Nick has a broad summary practice, and regularly appears in bail applications, pleas and CMI matters throughout the State. Most recently, Nick appeared in *Victoria Police v McKinnon; Victoria Police v Onus* – successfully representing the accused by having the charges laid over the organisation of the Victorian Black Lives Matter protest in 2020 withdrawn.

Nick is a member of the Victorian Bar's Indigenous Justice Committee, and the Australian Association of Constitutional Law. Nick teaches the Legal Internship subject at Melbourne Law School.

## Memberships & Committees

[Victorian Bar](#)

To get in touch with Nick Boyd-Caine | or for more information please contact the Clerk on:

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