

## CURRICULUM VITAE OF GABRIEL DOMINICUS WENDLER

Mr Wendler's practice is predominately at the Criminal Bar specialising in defence trial and appellate advocacy. Mr Wendler's practice extends to the area of constitutional law. Historically he has appeared in a number of Commonwealth indictable criminal law matters that have had a constitutional law dimension. He is regularly retained in significant criminal law matters before the Supreme and District Courts of New South Wales. He also appears frequently before the superior courts of other States and Territories of Australia. He has significant experience before Courts of Criminal Appeal in Australia and the High Court of Australia. He has also appeared internationally i.e. in a major narcotics importation trial before the High Court of New Zealand sitting in Auckland and before the High Court of Fiji in a sedition trial arising out of the 2000 coup in Fiji.

Mr Wendler was admitted to the Bar of South Australia in 1982 before being admitted to the New South Wales Bar in 1988. He is also admitted to the Bars of Victoria, Queensland, Tasmania, the ACT and the Northern Territory. Internationally he is admitted to the New Zealand Bar.

Mr Wendler is a member of the Legal Aid New South Wales specialist barristers' panel for complex criminal law matters and the specialist panel for criminal appellate matters. Mr Wendler is also a past appointed member of the Criminal Law Committee of the NSW Bar Association. Mr Wendler is currently completing the degree PhD in constitutional law.

A selection of some of the significant reported High Court of Australia cases in which Mr Wendler has appeared are as follows:

Stevenson v R (1984) 58 ALJR 422  
Carrion v R (1987) 75 ALR 161  
Coulter v R (1987) 164 CLR 350  
R v L (1991) 174 CLR 379\*  
Bulejck v R (1996) 195 CLR 375  
Farrell v R (1998) 194 CLR 286  
Parsons v R (1998) 195 CLR 619  
Wu v R (1999) 99 CLR 99  
Wong & Leung v R (2001) 207 CLR 584\*  
Brownlee v R (2001) 207 CLR 278\*  
NG v R (2003) 217 CLR 521; (2003) 77 ALJR 967\*  
Fittock v R (2003) 217 CLR 508; (2003) 77ALJR 967\*  
Visnic v ASIC (2007) 231 CLR 381; (2007) 234 ALR 413\*  
Tiapa v R (2009-2010) 240 CLR 95; (2010) 84 ALJR 143  
X7 v ACC (2013) 248 CLR 92  
McNamara v R (2023) HCA 36

**\*Denotes a constitutional law matter**

## High Court Transcripts:

Anderson v The Queen S48/1994 [1994] HCATrans 68 (13 October 1994)  
Williams & Anor v Official Trustee in Bankruptcy & Anor S109/1994 [1995] HCATrans 39 (17 February 1995)  
Scouller v The Queen B6/1995 [1995] HCATrans 266 (18 August 1995)  
Bulejck v The Queen S74/1995 [1995] HCATrans 341 (6 October 1995)  
Bulejck v The Queen S74/1995 [1995] HCATrans 413 (28 November 1995)  
Frugtniet & Anor v State Bank of New South Wales S26/1996 [1996] HCATrans 115 (13 March 1996)  
Myles v The Queen B39/1995 [1996] HCATrans 261 (21 June 1996)  
Myles v The Queen B40/1995 [1996] HCATrans 262 (21 June 1996)  
Cross v The Queen S59/1996 [1996] HCATrans 474 (2 December 1996)  
Butteriss v O'Riley M38/1996 [1996] HCATrans 506 (13 December 1996)  
Frugtniet v The Queen S114/1996 [1996] HCATrans 525 (19 December 1996)  
Frugtniet v The State of Victoria and ORS M75/1997 [1997] HCATrans 289 (17 September 1997)  
Farrell v The Queen H1/1996 [1997] HCATrans 357 (10 November 1997)  
Frugtniet v The Queen S114/1996 [1998] HCATrans 1 (9 January 1998)  
Wu v The Queen S154/1998 [1999] HCATrans 34 (12 February 1999)  
Pesic v The Queen S127/1996 [1998] HCATrans 32 (13 February 1998)  
Farrell v The Queen H4/1997 [1998] HCATrans 81 (30 March 1998)  
Parsons v The Queen M99/1997 [1998] HCATrans 169 (19 May 1998)  
Farrell v The Queen (cont from 30 March 1998) H4/1997 [1998] HCATrans 83 (31 March 1998)  
Parsons v The Queen M42/1998 [1998] HCATrans 211 (5 June 1998)  
Strachan v Graves H5/1998 [1998] HCATrans 212 (5 June 1998)  
Parsons v The Queen M42/1998 [1998] HCATrans 289 (12 August 1998)  
Parsons v The Queen M42/1998 [1998] HCATrans 296 (13 August 1998)  
McKenzie v The Queen S138/1998 [1998] HCATrans 372 (12 October 1998)  
McKenzie v The Queen S138/1997 [1998] HCATrans 431 (20 November 1998)  
Parsons v The Queen M42/1998 [1998] HCATrans 498 (22 December 1998)  
Wu v The Queen S154/1998 [1999] HCATrans 34 (12 February 1999)  
Adams v The Queen B14/1998 [1999] HCATrans 84 (16 April 1999)  
Cachia v Walker and ORS S84/1998 [1999] HCATrans 88 (16 April 1999)  
Stuart-Jones v The Queen B15/1998 [1999] HCATrans 105 (16 April 1999)  
Webb & ANOR v Commonwealth of Australia & ANOR S71/1999 [1999] HCATrans 155 (20 May 1999)  
Bayeh v Deputy Commissioner of Taxation S79/1999 [1999] HCATrans 244 (6 August 1999)

Toro-Martinez v Commonwealth Director of Public Prosecutions S142/1999 [1999] HCATrans 425 (14 October 1999)  
Frugtniet v The Queen M61/1999 [1999] HCATrans 632 (10 December 1999)  
Brownlee v The Queen S82/1998 [1999] HCATrans 651 (15 December 1999)  
Kiama Development Co Pty Ltd & Anor v Wilcox & Ors S102/1999 [1999] HCATrans 657 (15 December 1999)  
Fernando v The Queen S125/1999 [2000] HCATrans 23 (11 February 2000)  
Fernando v The Queen S223/1999 [2000] HCATrans 24 (11 February 2000)  
Leung v The Queen S161/1999 [2000] HCATrans 434 (4 August 2000)  
Leung v The Queen S7/2000 [2000] HCATrans 435 (4 August 2000)  
Wong v The Queen S97/2000 [2000] HCATrans 446 (4 August 2000)  
Sen v The Queen M124/1999 [2000] HCATrans 550 (8 September 2000)  
Frugtniet & Anor v State Bank of New South Wales S3/2000 [2000] HCATrans 566 (12 September 2000)  
Brownlee v The Queen S82/1998 [2000] HCATrans 681 (16 November 2000)  
Brownlee v The Queen S82/1998 [2000] HCATrans 687 (17 November 2000)  
Fittock v The Queen D8/2000 [2000] HCATrans 709 (24 November 2000)  
Leung v The Queen S198/2000 [2001] HCATrans 164 (1 May 2001)  
Wong v The Queen S193/2000 [2001] HCATrans 165 (1 May 2001)  
Radju v The Queen S76/2001 [2002] HCATrans 41 (15 February 2002)  
Fittock v The Queen D7/2001 [2002] HCATrans 218 (3 May 2002)  
Fittock v The Queen D7/2001 [2003] HCATrans 568 (13 February 2003)  
Ng v The Queen M148/2002 [2003] HCATrans 570 (13 February 2003)  
Tipiloura v The Queen [2004] HCATrans 260 (6 August 2004)  
Griffin v Pantzer [2004] HCATrans 310 (17 August 2004)  
Sleiman v The Queen [2004] HCATrans 550 (10 December 2004)  
MAK v The Queen, MSK v The Queen [2005] HCATrans 22 (4 February 2005)  
D v Police [2005] HCATrans 110 (4 March 2005)  
SL v The Queen [2005] HCATrans 423 (17 June 2005)  
Visnic v Australian Securities and Investments Commission [2006] HCATrans 158 (27 March 2006)  
Visnic v Australian Securities and Investments Commission [2006] HCATrans 588 (30 October 2006)  
Gould v Magarey & Ors, Albarran v Companies Auditors and Liquidators Disciplinary Board & Anor, Visnic v ASIC [2007] HCATrans 5 (30 January 2007)  
Kamm v The Queen [2008] HCATrans 241 (13 June 2008)  
Taiapa v The Queen [2009] HCATrans 155 (25 June 2009)  
Hayes v The Queen [2009] HCATrans 156 (25 June 2009)  
Taiapa v The Queen [2009] HCATrans 235 (23 September 2009)  
Langbein v The Queen [2009] HCATrans 329 (11 December 2009)  
Kamm v The Queen [2010] HCATrans 258 (1 October 2010)  
Tran v The Queen [2011] HCATrans 30 (11 February 2011)  
Mahmud v The Queen [2011] HCATrans 106 (18 April 2011)

Mahmud v The Queen; Muldrock v The Queen [2011] HCATrans 147 (8 June 2011)  
X7 v Australian Crime Commission & Anor [2012] HCATrans 169 (26 June 2012)  
X7 v Australian Crime Commission & Anor [2012] HCATrans 205 (21 August 2012)  
X7 v Australian Crime Commission and Anor [2012] HCATrans 280 (7 November 2012)  
Nguyen and Anor v The Commissioner of the Australian Federal Police and Ors [2013] HCATrans 287 (11 November 2013)  
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X7 v The Queen [2015] HCATrans 109 (15 May 2015)  
R v Cruz (2018) HCASL 25  
Sander v R (2018) HCATrans 25  
DR v R (2020) HCASL 269 (10 December 2020)  
Monday (a pseudonym) v R [2022] HCATrans 226 (15 December 2022)  
McNamara v The King [2022] HCATrans 185 (21 December 2022)  
Monday (a pseudonym) v R (2022) HCATrans 226  
McNamara v R (2023) HCATrans 61  
Landrey v DPP (NSW) (2023) HCATrans 89  
Landrey v DPP & Others (2023) HCATrans 89  
LS v R [2024] HCASL 285

### **Court of Criminal Appeal**

R v Fernando & Anor [1999] NSWCCA 66 (14 April 1999)  
R v Roberts [1999] NSWCCA 124 (12 May 1999)  
R v Paek [1999] NSWCCA 184 (30 June 1999)  
R v Blakeman [1999] NSWCCA 415 (9 September 1999)  
R v Leung & Wong [1999] NSWCCA 287 (15 September 1999)  
R v Bavadra [2000] NSWCCA 292 (31 August 2000)  
R v Khoo [2000] NSWCCA 500 (29 November 2000)  
R v Radju [2001] NSWCCA 103 (19 March 2001)  
R v Phan [2001] NSWCCA 29 (4 June 2001)  
R v Auliff [2001] NSWCCA 393 (25 September 2001)  
R v Jackson [2001] NSWCCA 387 (25 September 2001)  
R v Israil [2002] NSWCCA 255 (19 June 2002)  
R v Jackson [2002] NSWCCA 303 (23 July 2002)  
R v Jammias [2002] NSWCCA 329 (1 August 2002)  
R v Boundy [2002] NSWCCA 319 (14 August 2002)

R v Martin [2003] NSWCCA 325 (5 November 2003)  
R v Zhang [2004] NSWCCA 358 (30 September 2004)  
R v Adamson [2005] NSWCCA 7 (31 January 2005)  
R v Tae [2005] NSWCCA 29 (11 February 2005)  
R v Ngo [2005] NSWCCA 107 (31 March 2005)  
R v Georgiou; R v Harrison [2005] NSWCCA 189 (18 May 2005)  
R v MSS [2005] NSWCCA 227 (22 June 2005)  
Shaun Joseph Vlismas v R [2006] NSWCCA 270 (2 August 2006)  
DB v R; DNN v R [2007] NSWCCA 391 (7 February 2007)  
Taber, Peter v Regina; Styman, Ian v Regina [2007] NSWCCA 116 (26 April 2007)  
Francisco Chung v Regina [2007] NSWCCA 231 (2 August 2007)  
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Mohamed v R [2008] NSWCCA 45 (5 March 2008)  
Horton, Garry Edward v R [2008] NSWCCA 72 (27 March 2008)  
Alramadan v Director of Public Prosecutions (NSW) (No 2) [2008] NSWCCA 69 (27 March 2008)  
Sieders, Johan v R; Somsri, Yotchomchin v R [2008] NSWCCA 187 (13 August 2008)  
Sudath v R [2008] NSWCCA 207 (9 September 2008)  
Nguyen v R [2008] NSWCCA 322 (18 December 2008)  
Bui v R [2008] NSWCCA 314 (18 December 2008)  
Truong v R [2009] NSWCCA 41 (26 February 2009)  
Lee v R [2009] NSWCCA 259 (26 October 2009)  
R v Jihad Mahmud [2010] NSWCCA 219 (24 September 2010)  
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Henderson v R [2012] NSWCCA 65 (19 April 2012)  
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Jawish v R [2014] NSWCCA 62 (17 April 2014)  
Sutcliffe v R [2014] NSWCCA 208 (7 October 2014)  
Khoury v R [2014] NSWCCA 272 (24 November 2014)  
X7 v R [2014] NSWCCA 273 (28 November 2014)  
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Dang v R; Tran v R [2015] NSWCCA 163 (25 June 2015)  
Cheih-Wei Lin v R [2015] NSWCCA 264 (24 September 2015)

Newman v R [2015] NSWCCA 270 (19 October 2015)  
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R v Lamb; R v Mason; R v Hill [2016] NSWCCA 135 (8 July 2016)  
GP v R NSWCCA 150 (3 August 2016)  
Walker v R [2016] NSWCCA 213 (5 October 2016)  
HL v Director of Public Prosecutions (Cth) [2017] NSWCCA 66 (11 April 2017)  
R v Nakash [2017] NSWCCA 196 (18 August 2017)  
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Russell v R [2018] NSWCCA 115 (30 May 2018)  
Khamis v R; Hussain v R [2018] NSWCCA 131 (29 June 2018)  
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Yacoub v R [2021] NSWCCA 166 (19 July 2021)  
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Morrison v R [2022] NSWCCA 158 (20 July 2022)  
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Griffin v Sogelease Australia Ltd & Ors [2003] NSWCA 158 (20 June 2003)  
Vince Sunter v The District court of New South Wales [2008] NSWCA 313 (25  
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Hoffenberg v The District Court of New South Wales [2010] NSWCA 142 (22  
June 2010)  
Quinn v Director of Public Prosecutions [2015] NSWCA 331 (16 October  
2015)  
Hay v Director of Public Prosecutions (NSW) [2020] NSWCA 75 (24 April  
2020)  
Landrey v DPP (NSW) [2022] NSWCA 211 (21 December 2022)  
**QLD Court of Appeal**

Nguyen v Comm of Police (2014) QCA 293  
RBK v R (2023) QCA 185