

# FELICITY NAGORCKA

Year of call – 2015  
Year of admission – 2006

## DIRECT CONTACT DETAILS:

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## PERSONAL ASSISTANT DETAILS:

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## AREAS OF PRACTICE

Administrative Law  
Constitutional Law  
Human Rights  
Native Title  
Professional Discipline and Regulatory Law

## EDUCATION

Bachelor of Laws (Hons 1), University of Melbourne  
Bachelor of Arts, University of Melbourne  
Master of Laws (Hons 1), University of Cambridge

## CAREER HISTORY

Felicity joined the private bar in January 2025.

Prior to commencing at the private bar, Felicity spent nearly a decade working as an employed barrister at Crown Law, most recently as Crown Counsel. As an employed barrister, Felicity worked closely with several Queensland Solicitors-General, providing advice on the State's most complex and significant matters and appearing as junior counsel. Her practice at Crown Law included constitutional law, administrative law, human rights and native title.

## HIGGINSCHAMBERS

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Felicity has appeared in the High Court of Australia more than 25 times (unled on one occasion), and has also appeared in intermediate courts of appeal, the Supreme Court of Queensland and the Federal Court of Australia (both led and unled).

Felicity holds an LLM (Hons 1) from the University of Cambridge and was an Associate to the Hon Justice Hayne AC of the High Court of Australia in 2006. Since 2019 she has been the convener of the Queensland Chapter of the Australian Association of Constitutional Law.

## SELECTED SIGNIFICANT CASES

### ***Queensland v Stradford; Commonwealth v Stradford; Vasta v Stradford* [2025] HCA 3**

Felicity appeared as junior counsel, led by Gim Del Villar KC SG, Jonathan Horton KC and Daniel Favell. Liability of police and corrective services officers for enforcing invalid warrants of federal courts.

Link to case: <https://eresources.hcourt.gov.au/downloadPdf/2025/HCA/3>

### ***Bay v Australian Health Practitioners Regulation Agency* [2024] QSC 315**

Felicity appeared alone for the State of Queensland. Constitutional validity of the *Health Practitioner Regulation National Law Act 2009* (Qld).

Link to case: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/2024/315.html>

### ***Pearson v Commonwealth; JZQQ v Minister for Immigration; Tapiki v Minister for Immigration* [2024] HCA 46**

Felicity appeared for the Attorney-General for Queensland, leading Kent Blore. Whether a statutory provision validating earlier administrative decisions was contrary to Ch III of the *Constitution*.

Link to case: <https://eresources.hcourt.gov.au/showCase/2024/HCA/46>

### ***Redlands City Council v Kozik* [2024] HCA 7; (2024) 98 ALJR 544**

Felicity appeared as junior counsel, led by Gim Del Villar KC SG and with Mohammud Jaamae Hafeez-Baig, for the Attorney-General for Queensland. Whether the defence of 'good consideration' was available to an action for restitution of a council levy and whether the principle in *Woolwich Equitable Building Society v Inland Revenue Commissioners* [1993] AC 70 should be accepted in Australia.

Link to case: <https://eresources.hcourt.gov.au/showCase/2024/HCA/7>

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***Johnston v Carroll; Witthahn v Wakefield; Sutton v Carroll* [2024] QSC 2; (2024) 329 IR 365**

Felicity appeared as junior counsel, led by Nitra Kidson KC and with Kent Blore, for the Attorney-General for Queensland. Five-day Supreme Court trial concerning the validity of certain directions given to State employees to be vaccinated against COVID-19, raising various questions under the *Human Rights Act 2019*.

Link to case: <https://austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/2024/2.html>

***Lendlease Building Pty Ltd v BCS Airport Systems Pty Ltd* [2024] QSC 164**

Felicity appeared as junior counsel, led by Gim Del Villar KC SG, for the Attorney-General for Queensland. Whether an arbitrator under the *Building Industry Fairness (Security of Payments) Act 2017* exercises judicial power.

Link to case: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/2024/164.html>

***Vanderstock v Victoria* [2023] HCA 30; (2023) 98 ALJR 208**

Felicity appeared as junior counsel, led by Gim Del Villar KC SG and with Sarah Spottiswood, for the Attorney-General for Queensland. Whether a Victorian charge imposed on zero and low emissions vehicles was a duty of excise, and hence invalid under s 90 of the *Constitution*.

Link to case: <https://eresources.hcourt.gov.au/showCase/2023/HCA/30>

***Knowles v Commonwealth* [2022] FCA 741**

Felicity appeared alone for the State of Queensland. Constitutional validity of COVID-19 restrictions.

Link to case: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2022/741.html>

***Palmer v Western Australia* [2021] HCA 5; (2021) 272 CLR 505**

Felicity appeared as junior counsel, led by Sandy Thompson QC SG and with Kent Blore, for the Attorney-General for Queensland. Whether the closure of Western Australia's border during the COVID-19 pandemic was contrary to s 92 of the *Constitution*.

Link to case: <https://eresources.hcourt.gov.au/showCase/2021/HCA/5>

***Owen-D'Arcy v Queensland Corrective Services* [2021] QSC 273; (2020) 9 QR 250**

Felicity appeared for the Attorney-General for Queensland, leading Kent Blore. First significant case in Queensland to consider the application of s 58 of the *Human Rights Act 2019* (Qld) in a judicial review proceeding.

Link to case: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/2021/273.html>

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### ***Holzinger v Attorney-General (Qld)* [2020] QCA 165; (2020) 5 QR 543**

Felicity appeared as junior counsel for the Attorney-General for Queensland, led by Sandy Thompson QC SG. Concerned the reviewability of decisions on petitions for pardons.

Link to case: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QCA/2020/165.html>

### ***Spence v Queensland* [2019] HCA 15; (2019) 268 CLR 355**

Felicity appeared as junior counsel for the State of Queensland, led by Peter Dunning QC SG, Stephen Keim SC and Gim Del Villar. Constitutional validity of prohibition on political donations from property developers.

Link to case: <https://eresources.hcourt.gov.au/showCase/2019/HCA/15>

### ***Attorney-General v Legal Services Commissioner; Legal Services Commissioner v Shand* [2018] QCA 66**

Felicity appeared as junior counsel for the Attorney-General, led by Peter Dunning QC SG. Concerned the circumstances in which it is appropriate to remove a legal practitioner from the Supreme Court roll.

Link to case: <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QCA/2018/66.html>

## **RECENT PAPERS AND PRESENTATIONS**

- ‘*Vanderstock v Victoria*: Free trade and federalism’ (2024) 35 *Public Law Review* 13 (with Sarah Spottiswood).
- ‘Securing individual autonomy through the rule of law’, panel discussion at the Australian Bar Association National Conference, chaired by Gordon J of the High Court of Australia (Gold Coast, 22 September 2023).
- ‘The importance of purpose in statutory interpretation’, paper presented for the Bar Association of Queensland, with Gim Del Villar KC SG (Brisbane, 5 September 2023).
- ‘Human rights and trust in a time of COVID-19: lockdowns, prison conditions and mandates’, paper presented at the Australian Institute of Administrative Law National Conference, with Kent Blore (Adelaide, 28 July 2023); published in (2024) 110 *AIAL Forum* 21.
- ‘The role of human rights legislation in promoting access to justice’, panel discussion at the National Access to Justice Conference and Pro Bono Conference, chaired by Stephen Keim SC (Brisbane, 22 June 2023)
- ‘The *Human Rights Act 2019* (Qld): Three tricky questions for administrative lawyers’, paper presented to the Australian Institute of Administrative Law (online 26 October 2021); published in (2022) 104 *AIAL Forum* 82.

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