

## *Curriculum Vitae*

**Stephen John Free BA(Hons)/LLB(Hons) (ANU) BCL MPhil (Oxon)**  
Barrister

Eleven Wentworth Chambers  
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### **PROFESSIONAL HISTORY**

- May 2006 - Present** Barrister, Eleventh Floor Wentworth Chambers
- April 2011 - Present** Member Football Australia Appeals and Disciplinary Committees
- Nov 2002 - Apr 2006** Solicitor, NSW Crown Solicitor's Office
- Feb 2003 - Nov 2004** P/T Lecturer, Sydney University (Federal Constitutional Law)
- Sep 2000 - Aug 2002** Lecturer in Law, Jesus College, University of Oxford; Tutor in Law, Corpus Christi College, Magdalen College and Greyfriars Inn, University of Oxford
- Feb 1999 - Aug 1999** Graduate with Mallesons Stephen Jaques, Sydney

### **PRACTICE**

Main practice areas:

- Administrative law
- Appellate
- Commercial and corporate law
- Constitutional law
- Commissions of inquiry
- Sports law
- Environment and planning law
- Trade practices and competition law
- Telecommunications and regulatory law

### **High Court cases**

- *Duncan v Independent Commission Against Corruption* (2015) 324 ALR 1; [2015] HCA 32 - constitutional law (led by Bret Walker SC)
- *Duncan v New South Wales* (2015) 318 ALR 375; [2015] HCA 13 - constitutional law (led by Michael Sexton SC)
- *ADCO Constructions Pty Ltd v Goudappel* (2014) 254 CLR 1 - statutory construction (led by Jeremy Kirk SC)
- *Lee v New South Wales Crime Commission* (2013) 251 CLR 196 - proceeds of crime, administrative law (led by Tim Game SC)

- *Plaintiff M47/2012 v Director General of Security* (2012) 251 CLR 1 – constitutional law, migration law (led by Jeremy Kirk SC)
- *Williams v Commonwealth* (2012) 248 CLR 156 – constitutional law (led by Stephen Gageler SC and Geoffrey Kennett SC)
- *Nicholas v The Commonwealth; Haskins v The Commonwealth* (2011) 244 CLR 66 – constitutional law (led by Stephen Gageler SC)
- *Jemena Gas Networks (NSW) Limited v Mine Subsidence Board* (2011) 243 CLR 558 – statutory interpretation (led by Stephen Lloyd SC)
- *Kirk v Industrial Relations Commission of New South Wales* (2010) 239 CLR 531 – constitutional law (led by Stephen Gageler SC)
- *Clarke v Commissioner of Taxation* (2009) 240 CLR 272 – constitutional law (led by Mark Leeming SC)
- *Minister for Immigration and Citizenship v SZKTI* (2009) 238 CLR 489 – immigration (led by Richard Lancaster SC)
- *Alinta LGA Ltd (formerly The Australian Gas Light Co) v Mine Subsidence Board* (2008) 244 ALR 276 (led by Mark Leeming SC)
- *Telstra Corporation Limited v Commonwealth* [2008] HCA 7 – constitutional law (led by Stephen Gageler SC)
- *Westfield Management Limited v Perpetual Trustee Company Limited* (2007) 233 CLR 528 – real property (led by Noel Hutley SC)
- *Vescio, In the matter of an application for leave to issue a proceeding* [2008] HCATrans 256 – constitutional law, procedure

### Examples of appellate cases

- *Sino Iron Pty Ltd v Secretary of the Department of Infrastructure and Transport* [2014] FCAFC 103 – judicial review (led by Alan Archibald QC)
- *Duncan v Honourable David Ipp* [2013] NSWCA 189 – bias, statutory tribunal (led by Bret Walker SC)
- *Huntlee Pty Ltd v Sweetwater Action Group Inc; Minister for Planning and Infrastructure v Sweetwater Action Group Inc* [2011] NSWCA 378 – environment and planning (led by Neil Williams SC)
- *Chand v Administrative Decisions Tribunal* [2011] NSWCA 131 – freedom of information
- *Soong v Deputy Commissioner of Taxation* (2011) 278 ALR 538; [2011] NSWCA 26 – statutory interpretation, income tax (led by Stephen Robb QC)
- *Hoxton Park Residents Action Group Inc v Liverpool City Council (No 2)* [2011] NSWCA 362 – constitutional law
- *State of New South Wales v Public Transport Ticketing Corporation* [2011] NSWCA 60 – public interest immunity
- *Reece v Webber* [2011] FCAFC 33 – judicial review (led by Stephen Gageler SC and Tom Howe QC)
- *Waqqa v Technical and Further Education Commission* [2009] NSWCA 213 – judicial review
- *South Steyne Hotel Pty Ltd v Commissioner of Taxation* (2009) 180 FCR 409; [2009] FCAFC 155 – goods and services tax (led by Alan Robertson SC)
- *Mitreski v His Eminence Metropolitan Petar the Diocesan Bishop of the Macedonian Orthodox Diocese of Australia and New Zealand* [2009] NSWCA 319 – charitable trust (led by Bret Walker SC)

- *Garsec Pty Limited v His Majesty the Sultan of Brunei* (2008) 250 ALR 682; [2008] NSWCA 211 – sovereign immunity, private international law (led by Noel Hutley SC)
- *Attorney General of NSW v Borland* [2007] NSWCA 201 – coronial inquests, privilege against self-incrimination (led by the Crown Advocate Lloyd Babb)

### **Examples of civil trials and significant interlocutory matters**

- Counsel Assisting the Royal Commission Into Institutional Responses to Child Sexual Abuse (Case Study 28)
- *MJD Foundation Limited v Minister of Indigenous Affairs* [2015] FCA 1172
- *Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 6)* [2015] FCA 825 (led by Andrew Bell SC)
- *Mineralogy Pty Ltd v Secretary of the Department of Infrastructure and Regional Development* [2014] FCA 879 – judicial review (led by Alan Archibald QC and Andrew Bell SC)
- *Sino Iron Pty Ltd & Anor v Palmer & Anor* [2014] QSC 259 – trusts, abuse of process (led by Andrew Bell SC)
- *Hoxton Park Residents Action Group Inc v Liverpool City Council* [2015] NSWSC 136 – constitutional and administrative law
- *Boensch v Parramatta City Council* [2012] NSWSC 836 – judicial review
- *Director of Public Prosecutions v Hicks* [2011] NSWSC 1060 – privilege against self-exposure to penalty
- *Brown v Randwick City Council* [2011] NSWLEC – judicial review
- *Snowy River Alliance Inc v Water Administration Ministerial Corporation* [2011] NSWSC 652 – judicial review
- *Hamzy v Commissioner of Corrective Services (NSW)* [2011] NSWSC 120 – false imprisonment, administrative law (led by Jeremy Kirk)
- *Trust Company Limited v Noosa Venture 1 Pty Limited* [2010] NSWSC 1334 – commercial, corporations (led by Alan Sullivan QC)
- *Country Energy v Deputy State Coroner MacMahon* [2010] NSWSC 943 – coronial practice (led by Michael Sexton SC)
- *Rivers SOS Inc v Minister for Planning* (2009) 178 LGERA 347; [2009] NSWLEC 213 – judicial review
- *Dates v Minister for Environment, Heritage and the Arts (No 2)* [2010] FCA 256 – judicial review
- *Mindshare Communications Limited v Eckett* [2010] NSWSC 1511 – contempt (led by Alec Leopold SC)
- *Telstra Corporation Limited v Australian Competition and Consumer Commission* [2009] FCA 757 – judicial review, telecommunications (led by Alan Robertson SC)
- *Wang v Council of the Law Society of New South Wales* (2009) 73 NSWLR 226; [2009] NSWSC 67 – administrative law
- *Dubbo RSL Memorial Club Limited v Steppat* (2008) 160 LGERA 455; [2008] NSWSC 965 – statutory interpretation (led by Neil Williams SC)
- *Castle v Director General SES* [2007] NSWSC 1110 – judicial review
- *Thompson v Waterways Authority* [2006] NSWSC 1395 – judicial review

## Examples of State and Commonwealth tribunal cases

- *Gai Waterhouse v Racing New South Wales Racing Appeals Tribunal* (14 February 2014)
- *Beyond Productions Pty Ltd and Screen Australia* [2011] AATA 39 – merits review, statutory interpretation (led by Richard Cobden SC)
- *Application by Telstra Corporation Limited* [2010] ACompT 1 – trade practices, telecommunications
- *Downer EDI Rail Pty Limited and CEO of Customs* [2010] AATA 866 – customs duty (led by Alan Robertson SC)
- *Application by Telstra Corporation Limited* [2009] ACompT 1 – trade practices, telecommunications (led by Alan Robertson SC)
- *Application by AAPT Limited* [2009] ACompT 5 – trade practices, telecommunications
- *FI v Public Guardian* [2008] NSWADT 263 – guardianship and consent issues
- *Health Care Complaints Commission v Xie* [2007] NSWMT 13 – professional discipline

## POSTGRADUATE AND PROFESSIONAL QUALIFICATIONS

MPhil in Law, University of Oxford (Magdalen College) 2001

- Research thesis entitled *Non-voluntary Passive Euthanasia and the Family*
- Awarded with distinction

Bachelor of Civil Law, University of Oxford (Magdalen College) 2000

- Awarded Vinerian Scholarship (for the best academic record in the BCL)
- Placed first in all subjects studied

Admitted as a legal practitioner of the Supreme Court of NSW (August 1999)

## UNDERGRADUATE EDUCATION

BA (Hons) (1st class)/LLB (Hons) (1st class) ANU 1998

- Awarded the Supreme Court Judges' Prize (best academic record on graduation)
- Honours thesis in Law entitled *Across the Public/Private Divide: Accountability and Administrative Justice in the Telecommunications Industry* 1998. Published in the Australian Institute of Administrative Law Forum, Canberra 1999
- Honours thesis in History entitled *American Salvation: The Political Fundamentalism of Jerry Falwell and Pat Robertson* 1996

## SCHOLARSHIPS

Commonwealth Scholarship to University of Oxford (Magdalen College) 1999-2001

National Undergraduate Scholarship (ANU) 1993-1998

## ACADEMIC PRIZES

### *University of Oxford*

Vinerian Scholarship 2000  
Rupert Cross Prize in Evidence 2000  
Ralph Chiles CBE Award (Comparative Human Rights) 2000

### *Australian National University and other*

University Medal in Law 1998  
University Medal in History 1996  
Australian Institute of Administrative Law Essay Prize 1999  
Blackburn Medal for Research in Law 1998  
Commonwealth Attorney-General's Department Prize 1998  
George Knowles Memorial Prize 1998  
Supreme Court Judges' Prize 1998  
Butterworths Book Prize for Selected Topics in Torts 1998  
Mallesons Stephen Jaques Prize for Law Studies 1997  
George Knowles Memorial Prize 1997  
BC Meagher Prize for Commonwealth Constitutional Law (shared) 1997  
Clayton Utz Prize in Administrative Law 1997  
Permanent Trustee Company Ltd Prize - Equity and Trusts (shared) 1997  
Butterworths Book Prize for Criminal Law and Procedure 1995  
Ann Downer Memorial Prize in Law 1994  
Clayton Utz Prize in Torts and Contracts 1994  
The Law Society of the Australian Capital Territory Prize for Contracts 1994

## PUBLICATIONS

R Lancaster SC and S Free "The Relevancy Grounds in Environmental and Administrative Law" in *Key Issues in Judicial Review* edited by N Williams SC (Federation Press, 2014)  
S Free "Across the Public/Private Divide: Accountability and Administrative Justice in the Telecommunications Industry" (1999) 21 *Australian Institute of Administrative Law Forum* 1  
S Free and R Creyke "Overview of Papers" in R Creyke and P Keyser *The Brennan Legacy: Blowing the Winds of Legal Orthodoxy* (Federation Press, 2002)  
S Free "Casenote: *McKinnon v Secretary, Dept of Treasury* (2006) 229 ALR 187" *Bar News Summer 2006/2007* 19