

Curriculum Vitae

STEPHEN FREE SC BA(Hons)/LLB(Hons) (ANU) BCL MPhil (Oxon)
Barrister

Eleven Wentworth Chambers
180 Phillip Street Sydney NSW 2000
T 9233 7880 M 0433 558 830 E sfree@elevenwentworth.com

Professional History and Appointments

- 2018: Appointed Senior Counsel
- 2006-present: Barrister, Eleventh Floor Wentworth Chambers
- 2021: Chairman of Eleven Wentworth Chambers
- 2019-present: Counsel to the Board of the Environment Protection Authority
- 2011-present: Member of the FFA Appeals and Disciplinary Committees
- 2002-2006: Solicitor, NSW Crown Solicitor's Office
- 2003-2004: Part time Lecturer, Sydney University (Constitutional Law)
- 2000-2002: Lecturer in Law, Jesus College (University of Oxford); Tutor in Law, Corpus Christi College, Magdalen College and Greyfriars Inn (University of Oxford)
- 1999: Graduate with Mallesons Stephen Jaques, Sydney

Postgraduate Qualifications

- MPhil in Law (Distinction), University of Oxford (Magdalen College) 2001
- Bachelor of Civil Law, University of Oxford (Magdalen College) 2000
 - Awarded Vinerian Scholarship (for the best academic record in the BCL)

Undergraduate Education

- BA (Hons) (1st class)/LLB (Hons) (1st class) ANU 1998
 - University Medal in Law
 - University Medal in History
 - Awarded the Supreme Court Judges' Prize (best academic record on graduation)

Practice Areas

- Administrative law
- Appellate
- Commercial and corporate law
- Constitutional law
- Commissions of inquiry
- Coronial inquiries and tribunals
- Sports law
- Environment and planning law
- Trade practices, competition and regulatory law

Examples of recent High Court Cases

- *Namoa v The Queen* [2021] HCA 13 (criminal law)

- *Mineralogy Pty Ltd v Western Australia* [2021] HCA 30 (constitutional law)
- *BMW Australia Ltd v Brewster; Westpac Banking Corporation v Lenthall* [2019] HCA 45 (class action procedure; constitutional law)
- *Graham v Minister for Immigration and Border Protection* [2017] HCA 33 (migration; constitutional law)
- *Duncan v ICAC* [2015] HCA 32 (constitutional and administrative law)
- *Duncan v NSW* [2015] HCA 13 (constitutional and administrative law)
- *ADCO Constructions Pty Ltd v Goudappel* (2014) 254 CLR 1 (OHS law; administrative law)
- *Lee v NSW Crime Commission* (2013) 251 CLR 196 (constitutional law; criminal procedure)
- *Plaintiff M47/2012 v Director General of Security* (2012) 251 CLR 1 (constitutional and administrative law)
- *Williams v Commonwealth* (2012) 248 CLR 156 (constitutional law)
- *Nicholas v The Commonwealth* (2011) 244 CLR 66 (military tribunals; constitutional law)
- *Jemena Gas Networks (NSW) Limited v Mine Subsidence Board* (2011) 243 CLR 558 (administrative law)
- *Kirk v Industrial Relations Commission of New South Wales* (2010) 239 CLR 531 (constitutional and administrative law)

Examples of recent appellate cases

- *Epic Games Inc v Apple Inc* [2021] FCAFC 122 (competition law; anti-suit injunction)
- *Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177 (planning law)
- *Folbigg v Attorney General of NSW* [2021] NSWCA 44 (administrative law; special commissions of inquiry)
- *Westpac Banking Corp v Lenthall* [2019] FCAFC 34; (2019) 366 ALR 136 (class action procedure; constitutional law)
- *Ugur v Attorney General for New South Wales* [2019] NSWCA 86 (administrative law)
- *Warner Bros Feature Productions P/L v Kennedy Miller Mitchell Films P/L* [2018] NSWCA 81 (commercial and contract law)
- *Lazarus v ICAC* [2017] NSWCA 37 (constitutional and administrative law)
- *Minister for Indigenous Affairs v MJD Foundation Limited* [2017] FCAFC 37 (administrative law)
- *Sino Iron Pty Ltd v Sec of the Department of Infrastructure and Transport* [2014] FCAFC 103 (commercial and contract law)
- *Duncan v Honourable David Ipp* [2013] NSWCA 189 (judicial review)
- *Huntlee Pty Ltd v Sweetwater Action Group Inc* [2011] NSWCA 378 (environment and planning law; judicial review)
- *Chand v Administrative Decisions Tribunal* [2011] NSWCA 131 (freedom of information; judicial review)
- *Soong v Deputy Commissioner of Taxation* (2011) 278 ALR 538; [2011] NSWCA 26 (administrative law)
- *Hoxton Park Residents Action Group Inc v Liverpool City Council (No 2)* [2011] NSWCA 362 (constitutional and administrative law)
- *State of NSW v PTTC* [2011] NSWCA 60 (commercial and contract law; public interest immunity)
- *Reece v Webber* [2011] FCAFC 33 (judicial review)
- *Waqar v TAFE Commission* [2009] NSWCA 213 (judicial review)

Examples of recent Royal Commissions, Commissions of Inquiry, Tribunal and Coronial matters

- Representing the State of NSW at coronial inquests and inquiries arising from the Black Summer bushfires (2021-2022)
- Representing the Commonwealth at the *Royal Commission into Defence and Veterans Suicide* (2022)
- Representing the Commonwealth at the *Aged Care Royal Commission* (2019-2020)
- Counsel Assisting the *Royal Commission into Institutional Responses to Child Sexual Abuse* (2015-2017)
- Counsel Assisting the Coroner in previous and ongoing coronial inquiries
- *BSA Ltd v Innovation and Science Australia* (AAT November 2019) (tax offset dispute)
- *Transport for NSW v Searle* [2018] NSWCATAP 93 (freedom of information)
- *The Sharemarket College Pty Ltd v ASIC* (AAT 28 June 2018) (disqualification of financial services providers)
- *Abraham v Magistrate Stone, Deputy State Coroner* [2017] NSWSC 1684 (coronial; administrative law)
- *HCCC v Liu* [2017] NSWCATOD 88 (professional discipline – medical)
- *Gai Waterhouse v Racing New South Wales – Racing Appeals Tribunal* (professional discipline – trainer)
- *Beyond Productions Pty Ltd and Screen Australia* [2011] AATA 39 (tax offset dispute)

Examples of recent civil and criminal matters

- *Williams v Toyota Motor Corporation Australia Limited (Initial Trial)* [2022] FCA 344 (consumer law; class action)
- *Dwyer v Volkswagen Group Australia Pty Ltd* [2021] NSWSC 715 (consumer law; class action)
- *ACCC v NSW Ports Operations Hold Co Pty Ltd* [2021] FCA 720 (competition law)
- *Reysson Pty Ltd v Minister* [2019] NSWLEC 203 (environment and planning; judicial review)
- Representing the Commonwealth in ongoing class actions in the Federal Court relating to PFAS contamination at Airforce Bases
- *ACCC v Apple Pty Ltd (No 3)* [2018] FCA 617 (civil penalty proceedings; improperly obtained evidence)
- *Plummer & Ors v Attorney General of NSW & Ors* [2018] NSWSC 869 (charitable trust)
- *Plumpton Park Developments Pty Ltd v SAS Trustee Corporation* [2018] NSWSC 461 (real property)
- *Desane Properties Pty Limited v State of New South Wales* [2018] NSWSC 173 (compulsory acquisition; judicial review)
- *Shuquan Liu v HCCC* [2018] NSWSC 315 (judicial review; professional discipline – medical)
- *Port of Newcastle Operations Pty Ltd v Australian Competition and Consumer Commission* [2017] FCA 1330 (competition law; judicial review)
- *Vodafone Hutchison Australia Pty Ltd v ACCC & Ors* [2017] FCA 1549 (telecommunications regulation; judicial review)
- *MJD Foundation Ltd v Minister of Indigenous Affairs* [2015] FCA 1172 (administrative law)
- *Zivanovic v ASIC (No 2)* [2018] FCA 676 (disqualification of financial services provider; judicial review)
- *Millers Point Community Association Inc. v Property NSW* [2017] NSWLEC 92 (environment and planning; judicial review)
- *Edward Moses Obeid Snr v David Andrew Ipp* [2017] NSWSC 271 (misfeasance in public office; judicial review)
- *Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 6)* [2015] FCA 825 (commercial and contract)

- *Mineralogy Pty Ltd v Sec of the Dept Infrastructure and Regional Development* [2014] FCA 879 (judicial review)
- *Sino Iron Pty Ltd & Anor v Palmer & Anor* [2014] QSC 259 (commercial and contract; abuse of process)
- *Hoxton Park Residents Action Group Inc v Liverpool City Council* [2015] NSWSC 136 (constitutional and administrative law)
- *Director of Public Prosecutions v Hicks* [2011] NSWSC 1060 (proceeds of crime; privilege against penalty)

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

Academic Prizes - 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