

Curriculum Vitae

STEPHEN FREE SC

Barrister

BA(Hons)/LLB(Hons) (ANU)

BCL MPhil (Oxon)

Eleven Wentworth Chambers

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Professional History and Appointments

2018	Appointed Senior Counsel
2006 – present	Barrister, Eleven Wentworth Chambers
2021	Chairman of Eleven Wentworth Chambers
2020 – present	Member of the National Sports Tribunal, Pro Bono Panel
2019 – 2022	Counsel to the Board of the Environment Protection Authority
2011 – present	Member of the FFA Appeals and Disciplinary Committees
2002 – 2006	Solicitor and Solicitor Advocate, NSW Crown Solicitor’s Office
2003 – 2004	Part-time Lecturer, University of Sydney
2002	Lecturer in Law, Jesus College (University of Oxford);
2000 – 2001	Tutor in Law, Corpus Christi College, Magdalen College and Greyfriars Inn (University of Oxford)
1999	Graduate lawyer with Mallesons Stephen Jaques, Sydney

Postgraduate Education

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) Australian National University 1998

- University Medal in Law
- University Medal in History
- Supreme Court Judges’ Prize, for the best academic record on graduation

High School Education

Springwood High School 1987 – 1992

- TER of 100.00
- Placed first in NSW in 3U Ancient History, first in NSW in 3U Modern History, fourth in NSW in 3U English

Scholarships

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

National Undergraduate Scholarship (Australian National University) 1993 – 1998

Practice Areas

Appellate

Commercial law

Administrative law

Constitutional law

Trade practices, competition and regulatory law

Environmental and planning law

Commissions of inquiry

Coronial inquiries and tribunals

Sports law

Examples of High Court Cases

Birketu Pty Ltd v Atanaskovic [2025] HCA 2 (recovery of costs)

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 [2019] HCA 45 (class actions; constitutional law)

Alford v Parliamentary Joint Committee [2018] HCA 57 (constitutional law)

Graham v Minister for Immigration [2017] HCA 33 (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 (administrative law)

Lee v NSW Crime Commission (2013) 251 CLR 196 (criminal procedure)

Plaintiff M47/2012 v D-G Security (2012) 251 CLR 1 (constitutional 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 v Mine Subsidence Board (2011) 243 CLR 558 (administrative law)

Kirk v IRC (2010) 239 CLR 531 (constitutional and administrative law)

Examples of Appellate Cases - Administrative and Constitutional law

Berejiklian v ICAC [2024] NSWCA 177

Babet v Electoral Commissioner [2023] FCAFC 164 (ticks and crosses referendum case)

Sherrington v ICAC [2023] NTCA 11

Secretary, Department of Education v Derikuca [2023] NSWCA 94

Malek Fahd Islamic School Ltd v Minister for Education [2023] NSWCA 143

Norkin v University of New England [2023] NSWCA 194

Freedom Pharmaceutical Pty Ltd v Minister for Health [2022] FCAFC 123

Folbigg v Attorney General for NSW [2021] NSWCA 44

Ugur v Attorney General for NSW [2019] NSWCA 86

Lazarus v ICAC [2017] NSWCA 37

Minister for Indigenous Affairs v MJD Foundation Limited [2017] FCAFC 37

Duncan v Honourable David Ipp [2013] NSWCA 189

Chand v Administrative Decisions Tribunal [2011] NSWCA 131

Soong v Deputy Commissioner of Taxation [2011] NSWCA 26

Hoxton Park Residents Action Group v Liverpool City Council (No 2) [2011] NSWCA 362

Examples of Appellate Cases - Class Actions

Toyota Motor Corporation Australia v Williams [2023] FCAFC 50

Dwyer v Volkswagen Group Australia Pty Ltd [2023] NSWCA 211

Haselhurst v Toyota Motor Corporation Australia [2020] NSWCA 66

Westpac Banking Corp v Lenthall [2019] FCAFC 34

Examples of Appellate Cases - Commercial and Competition Law

ACCC v NSW Ports Operations Hold Co Pty Ltd [2023] FCAFC 16

Epic Games Inc v Apple Inc [2021] FCAFC 122

Wormald v Maradaca Pty Ltd [2020] NSWCA 289

Warner Bros Feature Productions v Kennedy Miller Mitchell Films P/L [2018] NSWCA 81

Sino Iron Pty Ltd v Sec of the Dept of Infrastructure and Transport [2014] FCAFC 103

State of NSW v PTTC [2011] NSWCA 60

Examples of Appellate Cases - Common Law

State of New South Wales v Spedding [2023] NSWCA 180 (malicious prosecution)

Anderson v State of NSW; Perri v State of NSW [2023] NSWCA 160 (intentional torts)

Toth v State of New South Wales [2023] NSWCA 206 (malicious prosecution)

Examples of Appellate Cases – Environmental and Planning Law

Verde Terra Pty Ltd v Central Coast Council [2023] NSWCA 121

Minister for the Environment v Sharma [2022] FCAFC 35

KEPCO Bylong Aust Pty Ltd v Bylong Valley Protection Alliance Inc [2021] NSWCA 216

Ku-ring-gai Council v Buyozo Pty Ltd [2021] NSWCA 177

Huntlee Pty Ltd v Sweetwater Action Group Inc [2011] NSWCA 378

Examples of Royal Commissions, Commissions of Inquiry and Coronial matters

Royal Commission into Institutional Responses to Child Sexual Abuse (Counsel Assisting 2015 – 2017)

Royal Commission into Defence and Veterans Suicide (for Cth 2022 – 2023)

Royal Commissioner into Aged Care Quality and Safety (for Cth 2019 – 2020)

Royal Commission into National Natural Disaster Arrangements (for Cth 2020)

Counsel Assisting the Coroner in previous and ongoing coronial inquiries

Coronial inquests and inquiries into Black Summer bushfires (for NSW 2021 – 2022)

Examples of Sporting and Administrative Tribunal matters

Gai Waterhouse v Racing New South Wales – Racing Appeals Tribunal

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)

Abraham v Magistrate Stone [2017] NSWSC 1684 (coronial; administrative law)

HCCC v Liu [2017] NSWCATOD 88 (professional discipline – medical)

Beyond Productions Pty Ltd and Screen Australia [2011] AATA 39 (tax offset dispute)

Examples of Recent and Significant Trials

Epic Games Inc v Apple Inc (judgment pending) (competition law)

The Owners SP No 87231 v 3A Composites GmbH (judgment pending) (class action)

Greentree v Jaguar Land Rover Australia Pty Ltd (Carriage Application) [2023] FCA 1209

Bushfire Survivors Inc v Narrabri Coal [2023] NSWLEC 69

Wreck Bay Aboriginal Community Council v Commonwealth [2023] FCA 660 (class action)

Williams v Toyota Australia d (Initial Trial) [2022] FCA 344 (consumer law; class action)

Tipakalippa v NOPSEMA & Santos (No 2) [2022] FCA 1121 (administrative law)

Sharma v Minister for the Environment [2021] FCA 560 (torts; climate litigation)

Dwyer v Volkswagen Group Australia Pty Ltd [2021] NSWSC 715 (class action)

ACCC v NSW Ports Operations Hold Co Pty Ltd [2021] FCA 720 (competition law)

Reyson Pty Ltd v Minister [2019] NSWLEC 203 (environment and planning)

ACCC v Apple Pty Ltd (No 3) [2018] FCA 617 (civil penalty proceedings)

Plummer & Ors v Attorney General of NSW & Ors [2018] NSWSC 869 (charitable trust)
Plumpton Park Developments Pty Ltd v SAS Trustee [2018] NSWSC 461 (real property)
Desane Properties Pty Limited v State of NSW [2018] NSWSC 173 (judicial review)
Shuquan Liu v HCCC [2018] NSWSC 315 (; professional discipline - medical)
Port of Newcastle Operations Pty Ltd v ACCC [2017] FCA 1330 (competition law)
Vodafone Hutchison v ACCC [2017] FCA 1549 (telecommunications)
MJD Foundation Ltd v Minister for Indigenous Affairs [2015] FCA 1172 (judicial review)
Zivanovic v ASIC (No 2) [2018] FCA 676 (disqualification; judicial review)
Millers Point Community Association Inc. v Property NSW [2017] NSWLEC 92
Edward Moses Obeid Snr v Ipp [2017] NSWSC 271 (misfeasance in public office)
Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 6) [2015] FCA 825 (contract)
Mineralogy Pty Ltd v Sec of the Dept Infrastructure [2014] FCA 879 (judicial review)
Sino Iron Pty Ltd & Anor v Palmer [2014] QSC 259 (abuse of process)
Hoxton Park Residents Action Group Inc v Liverpool City Council [2015] NSWSC 136
DPP v Hicks [2011] NSWSC 1060 (proceeds of crime; privilege against penalty)

Sports Tribunals, Pro Bono Representation, Sporting Clubs

Member Football Australia judiciary (2011 – present)
Member pro bono panel for National Sports Tribunal (2021 – present)
Chair of Basketball Australia Appeal Panel (2023)
Chair of Football NSW Appeal Panel (2021)
Player and Manager, North Sydney United (2003 – present)

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)
Supreme Court Judges' Prize (1998)
Blackburn Medal for Research in Law (1998)
Commonwealth Attorney-General's Department Prize (1998)
George Knowles Memorial 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

S Free SC “Commentary on Kirk JA ‘Judicial Review of Integrity Bodies’” *Australian Bar Review* (publication pending)

S Free SC and Christopher Beshara “Appeals” and “Matters Commenced by Application” in LexisNexis *Federal Civil Litigation Precedents* (2024)

S Free SC “Review: Zines and Stellios’s The High Court and the Constitution” *UNSW Law Journal Forum* (2023)

S Free SC “Alfred Deakin” in *Australian Jurists & Christianity* edited by G Lindsay and W Hudson (Federation Press 2021)

S Free SC “Commentary on ‘Proportionality and its Alternatives’ by Professor Adrienne Stone” in *Current Issues in Australian Constitutional Law - Tributes to Professor Leslie Zines* edited by J Griffiths and J Stellios (Federation Press 2020)

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 “Casenote: *McKinnon v Secretary, Dept of Treasury* (2006) 229 ALR 187” *Bar News Summer 2006/2007* 19

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 “Across the Public/Private Divide: Accountability and Administrative Justice in the Telecommunications Industry” (1999) 21 *Australian Institute of Administrative Law Forum* 1