



REBECCA McEWEN

Barrister

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**ADMISSIONS AND
QUALIFICATIONS**

Barrister: 2019

Bachelor of Civil Law (Distinction), University of Oxford, 2019

Master of Laws, University of Sydney, 2018

Bachelor of Laws (Hons I), University of Adelaide, 2013

Dean's Certificate – Moot Court (2013)

Bachelor of Arts (Classical Studies), University of Adelaide, 2013

JJ Bray Prize for Level I Classical Studies (2009)

James Gartrell Prize for Classical Studies (2011)

PRACTICE

Rebecca's primary practice areas are public law, general commercial law, competition and consumer law, and environmental law. She has appeared led in the High Court, Supreme Court, the Land and Environment Court, the Court of Appeal, the Court of Criminal Appeal and the Family Court, and unled in the Local Court, the District Court, and the NSW Civil and Administrative Tribunal.

Selected cases in which Rebecca has appeared include:

Eakin v R [2020] NSWCCA 294 (sentence appeal, led by S Callan SC)

Plaintiff A and B v Bird; Plaintiff C v Bird; Plaintiff D v Bird [2020] NSWSC 1379 (proceedings concerning intentional torts, negligence and vicarious liability, led by A Horvath)

Roy v O'Neill (High Court of Australia, judgment reserved, led by T Moses and JT Gleeson SC)

Kostov v Commissioner of Police (No 2) [2020] NSWSC 679 (appearing for the Commissioner on issues concerning s 78B of the *Judiciary Act* 1903 (Cth))

Industrial Relations Secretary v Public Service Association (Supreme Court of NSW, judicial review, judgment reserved, led by T Wong SC)

State of New South Wales v Vincent (Preliminary) (No 2) [2020] NSWSC 590 (application under the *Crimes (High Risk Offenders) Act* 2006 (NSW), led by J Emmett)

KEPCO Bylong Australia Pty Ltd v Independent Planning Commission (Class 4 proceedings in the Land and Environment Court, judgment reserved, led by S Free SC)

Universal Property Group Pty Ltd v Blacktown City Council [2020] NSWCA 106 (appeal pursuant to s 57 of the *Environmental Planning and Assessment Act* 1979 (NSW), led by

I Hemmings SC)

IPM Holdings Pty Ltd v City of Sydney Council (Class 1 proceeding in the Land and Environment Court, judgment reserved, led by K Richardson SC)

Pitking Properties Pty Ltd v Waverley Council [2020] NSWLEC 21 (Class 4 proceedings in the Land and Environment Court, led by I Hemmings SC)

Apokis v Transport for New South Wales [2020] NSWCA 39 (appeal pursuant to s 57 of the *Environmental Planning and Assessment Act 1979* (NSW), led by N Eastman)

Selected Advice Work

Advice concerning the application and operation of the *Crimes (High Risk Offenders Act) 2006* (NSW) and the *Terrorism (High Risk Offenders) Act 2017* (NSW).

Advice concerning judicial review applications and appeals pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).

Advice to shareholders concerning entitlements under the *Corporations Act 2001* (Cth).

Advice concerning the operation of the Insolvency Practice Schedule and liquidators' obligations under the *Corporations Act 2001* (NSW).

Advice to companies regarding the operation of the *Competition and Consumer Act 2010* (Cth) and the *Australian Consumer Law*.

Advice concerning the operation of the *Royal Commissions Act 1923* (NSW) and associated legislation.

EXPERIENCE

Courts

Associate to the Hon Justice Bell, High Court of Australia (2017 – 2018)

Tipstaff to the Hon. Justice Beazley, NSW Court of Appeal (Oct 2016 – Dec 2016)

Tipstaff to the Hon. Justice Sackar, Supreme Court of NSW (2015)

Associate to the Hon. Justice Farrell, Federal Court of Australia (2014 – 2015)

Academic

Tutor (Corporations Law) Australian National University (2017)

Sessional Lecturer (Equity and Trusts, Torts), University of NSW (2016)

Tutor (Torts), University of Sydney (2016 & 2018)

Reporter, Federal Law Reports (2015 – 2016)

AWARDS

Winner of the 7 King's Bench Walk Commercial Law Moot (2019)

Winner of the Australian Law Students' Association Championship Moot (2013)

Winner of the Kelly & Co Open Moot (2013)

Runner-Up (representing Australia) at the Commonwealth Moot (2013)

Winner of the Kelly & Co Open Moot (2012)

Grand Finalist at the Kirby Contract Moot (2012)

Best Speaker in the Preliminary Rounds at the Kirby Contract Moot (2012)

PUBLICATIONS

Rebecca McEwen, "The Flyash Saga: Chapter Three" (2018) 26 *Australian Journal of Competition and Consumer Law* 121.

Rebecca McEwen, John Eldridge and David Caruso, "Differential or deferential to media? The effect of prejudicial publicity on judge or jury" (2018) 22 *The International Journal of Evidence & Proof* 124.

Rebecca McEwen, "Establishing a Quantifiable Benefit or Detriment When Setting Pecuniary Penalties: *ACCC v Cement Australia Pty Ltd*" (2017) 25 *Australian Journal of Competition and Consumer Law* 65.

Rebecca McEwen and John Eldridge, "Judges, Juries and Prejudicial Publicity: Lessons from Empirical Legal Scholarship" (2016) 41 *Alternative Law Journal* 110.

John Eldridge and Rebecca McEwen, "A call to arms: Norrie" (2014) 39 *Alternative Law Journal* 189.