

Georgia Lewer

Forbes Chambers

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Practice

Briefs accepted in all areas of law

Areas of specialisation

Criminal Law (including all types of trial, appellate and advice work)

Inquests and Inquiries (including coronial inquests and inquiries, Royal Commissions and special commissions of inquiry)

Public Law (including intentional torts, administrative law, judicial review, investigatory procedures, public interest immunity, land and environment law and constitutional law)

Admitted to practice

2009

Called to the Bar

2014

Education

University of New South Wales

LLB (Hons. Class I)

BA (English) (Hons. Class I)

Multiple scholarships and prizes, including the Honours Scholarship for English, the Lucinda Adamonovich Scholarship for Law, and the Exchange Scholarship

Professional Background

Barrister

Forbes Chambers

2014 - present

Sessional lecturer, UNSW

Court Process, Evidence and Proof

2014-2016

Senior Solicitor

Crown Solicitor's Office

Inquiries Practice Group

2012-2014

Solicitor

Children's Legal Service
(Legal Aid NSW) and Aboriginal
Legal Service (NSW/ACT)

Criminal solicitor

2011-2012

Solicitor and Barrister

North Australian Aboriginal
Justice Agency

Criminal solicitor and barrister

2009-2011

Tipstaff

Supreme Court of NSW

The Hon. Justice Kirby

2008

Representative matters

1. **AH v R** [2023] NSWCCA 230 (with N Evans), appeal for child charged with terrorism offence, manifest excess; youth; harsh conditions of imprisonment; availability of parole;
2. **Ngo v R** [2023] NSWCCA 201 (with A Faro), appeal for sexual offences, inconsistent verdicts, propriety of Crown address, anti-tendency direction;
3. **State of New South Wales v JS (Final)** [2023] NSWSC 563, high risk sex offender, aged offending, whether unacceptable risk, ameliorative measures otherwise available;
4. **SC v R** [2023] NSWCCA 111 (led by Johnston SC), Crown concession of error, appeal upheld, failure to comply with requirements for unsworn evidence;
5. **Safework for NSW v The Crown of Right in NSW** [2023] NSWDC 134 (led by Taylor SC), Safework prosecution of Ambulance Service of NSW, access to drugs of dependence;
6. **Chandler v Transport for NSW** [2023] NSWCA 6, review by the Court of Appeal for jurisdictional error by a District Court judge hearing an appeal under the *Crimes (Appeal and Review) Act 2001*, inferences from photographs, reversal of onus of proof;
7. **Glasheen v R** [2022] NSWCCA 191, appeal against sentence, mandatory minimum sentences, construction of statute, concession of error;
8. **DS v R; DM v R** [2022] NSWCCA 156; (2022) 109 NSWLR 82 (led by Bashir SC), sentence appeal, juvenile convicted of murder, manifest excess, youth, disadvantage, meaning of objective seriousness;
9. **Smith v R** [2022] NSWCCA 88 (with D Mulligan), sentence appeal, sexual offences by teacher, transitional provisions and impact of change to standard non-parole period, manifest excess;
10. **Chartres-Abbott v R** [2021] NSWCCA 239, (2021) 291 A Crim R 225, sentence appeal, large commercial drug supply, manifest excess, use of discounts for aggregate sentences;
11. **Jones (a pseudonym) v R** [2021] NSWCCA 225, (2021) 291 A Crim R 68 (with D Mulligan), denial of procedural fairness on sentence, access to “letter of comfort”, resistance short of refusal to permit counsel to view;
12. **R v Alferink** [2021] NSWDC 473, drug supply sentence, availability of intensive correction order, backdating vs. discounting for prior custody;
13. **Minister for Home Affairs v Pender** [2021] NSWSC 921; [2021] NSWSC 1644; (2021) 363 FLR 309 (led by Johnston SC and with D Bhutani), Commonwealth application for continuing terrorism detention order, appointment of experts, unacceptable risk, less restrictive measures;
14. **DYS21 v Attorney-General (Cth)** [2021] FCA 1331; (2021) 288 FCR 607, review of refusal to grant Commonwealth parole, jurisdictional error, improper exercise of power, unreasonableness;
15. **R v DB** [2021] NSWDC 213; (2021) 35 DCLR(NSW) 427; [2022] NSWCCA 87; (2022) 108 NSWLR 51; [2022] HCATrans 230 (led by Strickland SC), (unreported October 2023, Girdham DCJ) voluntariness, automatism, somnolence, verdicts of not guilty; Crown appeal, construction of *Mental Health (Forensic Provisions) Act 2020*; successful costs application;
16. **Paulo v Commissioner of Police (NSW)** [2021] NSWSC 517; (2021) 289 A Crim R 247, power to issue subpoena for production of interview with child, construction of *Criminal Procedure Act 1986*, error of law by magistrate;
17. **Zheng v R; Li v R; Pan v R** [2021] NSWCCA 78; (2021) 104 NSWLR 668; 289 A Crim R 80, juror misconduct, discharge of jury, meaning of “in company”, unreasonable verdict;
18. **Featon v Featon** [2020] FamCA 1061, application for release of implied undertaking in Family Court proceedings to use material in criminal proceedings;

19. **SC v R** [2020] NSWCCA 314; (2010) 104 NSWLR 257 (led by Johnston SC), appeal under s. 5F of *Criminal Appeal Act*, construction of pilot program provisions, appointment of witness intermediary;
20. **McAndrew (NSW Department of Planning and Environment) v Cummings** [2020] NSWDC 590; [2020] NSWDC 587; **Linnane (NSW Department of Planning and Environment) v Cummings** [2020] NSWDC 755 (led by Taylor SC), fatality in opal mine, work, health and safety prosecution, stay of proceedings on basis of access to compulsorily obtained materials, reasonable practicability of controls; sentencing;
21. **Alameddine v R** [2020] NSWCCA 232 (led by Dhanji SC), terrorism offending, misleading evidence leading to miscarriage, whether sympathy towards extreme ideology, factual findings on sentence, accumulation and manifest excess;
22. **Watson v R** [2020] NSWCCA 215; **(No 2)** [2020] NSWDC 582, concession on conviction appeal, miscarriage of justice and fresh evidence, invalid Child Protection Prohibition Orders leading to conviction, resentence;
23. **Dungay v R** [2020] NSWCCA 209, error in admitting Childrens Court history, Crown concession of error, parity, manifest excess, factors of youth and deprivation, resentence;
24. **Natural Resources Access Regulator v Harris & Timmins** [2020] NSWLEC 104 (2020) 247 LGERA 234; **(No 2)** [2021] NSWLEC 18(led by Elliott SC), defence of offence under *Water Management Act*, use of metering equipment, prosecution amendment, construction of offence provision, meaning of “installed” and “by means of”, dismissal of all charges; application for costs
25. **Environmental Protection Agency v Bartter Enterprises Pty Ltd** [2020] NSWLEC 78; **(No 2)** [2020] NSWLEC 79; **(No 3)** [2020] NSWLEC 114; **(No 4)** [2021] NSWLEC 45; [2022] NSWCCA 43 (led by Buchanan SC), defended environmental prosecution, leave to adduce further evidence, breach of condition of licence, meaning of “maintain”, sentence for conduct by contractor, appeal;
26. **IW v R** [2019] NSWCCA 311 (led by Bashir SC), historical child sexual offences, unreasonable verdicts, credibility evidence of accused, rebuttal of good character, grossly impermissible cross-examination by Crown, replay of recorded evidence of complainant;
27. **Kwok v Maresch** [2019] NSWSC 1151; **Kwok v Mothersole** [2019] NSWSC 1415; (2019) 240 LGERA 185, failure to vote, “sufficient reason”, honest and reasonable mistake of fact, ignorance of fact of election, statutory interpretation, *in pari materia* principle in subsequent enactment;
28. **R v KE** [2019] NSWDC 349, sexual offence, exclusion of DNA evidence, “trace DNA”, possibility of transference, risk of misuse, relevance, danger of unfair prejudice;
29. **State of NSW v Guider** [2019] NSWSC 646; **(No 2)** [2019] NSWSC 1145 (led by Johnston SC); **(No 3)** [2020] NSWSC 209, continuing detention order, extended supervision order, order for costs against the State;
30. **R v Graeme Curran** (led by Boulten SC) [2019] NSWDC 460; **Curran v R** [2020] NSWCCA 171, trial historical sexual matters, hypnotism, repressed memory, retrospectivity, sentence proceedings, unreasonable verdict, improper remarks by Crown in address;
31. **Brown v R** [2018] NSWCCA 257, (2018) 99 NSWLR 151, sentence appeal, denial of procedural fairness, incompetence of counsel, failure to advise about giving evidence;
32. **State of NSW v Bowdidge** [2018] NSWSC 1615; [2019] NSWSC 85, Emergency Detention Order for high risk offender, variation of conditions of supervision order;
33. **Police v Smiles & Ors** (unreported, June 2018, Day LCM) (led by Boulten SC), protesters, new offence provisions, meaning of “belonging to”, “render useless”, “road”, averment, implied freedom of political communication, deficiencies of evidence and costs;

34. **Chen v DPP** [2018] NSWSC 783 (led by Game SC), appeal from Local Court interlocutory order, validity of summons from Inspector of Crime Commission, powers of delegation;
35. **Refaieh v R** [2018] NSWCCA 72, (2018) 272 A Crim R 245, sentence appeal, appropriate back date, failure to revoke bail, meaning of “in relation to”, miscarriage of discretion;
36. **Odisho v R** [2018] NSWCCA 19 (led by Dhanji SC) cross-examination of unfavorable witness, requirement of leave, credibility evidence, unbalanced summing up, unreasonable verdict, intention, directions;
37. **R v ST** [2018] NSWDC 22 successful remittance of matter to Childrens Court, principles to be applied, interpretation of *Children (Criminal Proceedings) Act*;
38. **R v Ransley** (unreported, November 2017, Zahra SC DCJ) (led by Johnston SC) judge alone trial after ICAC inquiry, various interlocutory applications including for permanent stay, abuse of process, doomed to fail, incontrovertibility of prior verdicts, construction of s. 178BB *Crimes Act*, client legal privilege claims, not guilty on all counts, costs;
39. **Police v Tung** (unreported, November 2017, Russell SC DCJ), application s. 219 *Law Enforcement (Powers and Responsibilities Act) 2002* for return of seized property;
40. **Fernando v State of NSW** [2017] NSWDC 387, tort, lawfulness of arrest, construction of *Law Enforcement (Powers and Responsibilities) Act 2002*;
41. **Application by FD pursuant to s. 78 of the Crimes Appeal and Review Act 2001 (No 2)** [2017] NSWSC 869 (led by Johnston SC) application for inquiry after sentence, “Muldrock error”;
42. **Costello v R** [2017] NSWCCA 32, (2017) 79 MVR 402, successful sentence appeal, “fresh evidence”, hardship to third parties, illness of family member;
43. **Smith, Robert Arthur v Alison Byrne (New South Wales Electoral Commission)** [2017] NSWCCA 35 stated case from conviction appeal, election disclosure offence, construction of *Election Funding, Expenditure and Disclosures Act 1981*, conditions for stated case to Court of Criminal Appeal, lump sum costs order;
44. **Bugmy v State of New South Wales** [2017] NSWCA 25 (led by Buchanan SC) appeal against continuing detention order, length of order;
45. **Royal Commission into the Protection and Detention of Children in the Northern Territory** (2017) Counsel for the Central Australian Aboriginal Legal Aid Service and various child witnesses;
46. **Hikala v Constable Elliot; Treloar v Constable Elliott** [2016] NSWSC 81 appeal on legal error, plea vacation application, refusal to permit cross-examination, denial of procedural fairness;
47. **Perish v R** [2015] NSWCCA 98; **Perish v R** [2014] NSWCCA 233; **Perish v R** [2014] NSWCCA 129; **Perish v R** [2016] NSWCCA 89, (2016) 92 NSWLR 161, (led by Dhanji SC) murder conviction appeal, various interlocutory motions, claim for legal professional privilege, fresh evidence, admissibility of hearsay, admissibility “over objection”, unreasonable verdict ground;
48. **R v Hamzy** [2016] NSWSC 1512 (led by Johnston SC) murder trial, shoot with intent, self-defence, proportionality, manslaughter verdict;
49. **United Kingdom v Mark Jones** (2016, Local Court of NSW) appearance for her Majesty’s Government, extradition proceedings, dual criminality;
50. **RSPCA v Scali** (2016, Local Court of NSW) appearance for prosecutor, animal cruelty charges;
51. **R v A2 & Ors (No 1)** [2015] NSWSC 894 (led by Jordan SC) application to exclude evidence obtained pursuant to telephone warrants issued by magistrate, statutory interpretation of the *Telephone (Interception and Access Act) 1979 (Cth)*;

52. **Royal Commission into Trade Union Governance and Corruption** (2015) Counsel Assisting, various case studies and hearings;
53. **Various matters in the State Parole Authority** (2015-2017) appearances for Commissioner of Corrective Service);
54. **Various matters in the Mental Health Review Tribunal** (2014-2018) appearances for Minister for Mental Health and Attorney General, decisions as to whether to conditionally release, limiting terms, interpretation of the *Mental Health Act 2007* and the *Mental Health (Forensic Provisions) Act 1990*, whether proceedings unfair, whether tribunal is *functus officio*, imposition of conditions;
55. **Various inquests and inquiries in the State Coroner's Court** (2013-2023) appearances as Counsel Assisting, for family members and for sufficient interest parties in homicides, deaths in police operations, deaths in correctives custody, deaths of children in care and medical inquests; construction of *Coroners Act 2009*, self-incrimination, non-publication orders, examination of various expert and lay witnesses;
56. **Polley v Johnson & Anor** [2014] NSWSC 1191 (instructing M England) judicial review of search warrant, scope of s. 326 of *Crimes Act 1900*;
57. **Mununggurr v Gordon** [2011] 30 NTLR 45; (2011) 253 FLR 426 judicial review proceedings for mandamus, mental illness defence, content and use of Chief Health Officer's certificates;
58. **R v Wurrawilya** [2011] NTSC 68 application to exclude confessions, breach of police procedure;
59. **Majindi v Balchin** [2011] NTSC 40 appeal against conviction, unreasonable verdict, elements of offence of assault police, scope of protective custody provisions;
60. **Olsen v Sims** (2010) 239 FLR 405; **Olsen v Sims** (2010) 28 NTLR 116; 245 FLR 64; 206 A Crim R 454 (led by J Tippett KC) appeal against conviction and sentence, repeal of offence and replacement, savings provisions, mandatory minimum sentence;
61. **R v LB** (2010) 160 NTR 1; 239 FLR 123; 203 A Crim R 152; **R v LB** (2011) 163 NTR 1; 246 FLR 466 (led by M Abbott KC) application for permanent stay, invalidity of summons issued by Australian Crime Commission, requirements as to issue, appeal proceedings;
62. **Australian Crime Commission v LB** (2009) 25 NTLR 30; 234 FLR 15 (led by M Abbott KC) application to set aside subpoena to Australian Crime Commission, legitimate forensic purpose, public interest immunity;
63. **George v O'Neil** (2009) 24 NTLR 228 error on warrant of commitment, validity of warrant issued after expiration of sentence, when court is *functus officio*;
64. **Melpi v R** [2009] NTCCA 13 (led by M Croucher SC) appeal against sentence, severity, offender's age and maturity;
65. **R v Nagawalli** [2009] NTSC 25 (led by J Lawrence KC) application to exclude alleged confession of murder suspect, compliance with *Police Administration Act 1978 (NT)*, trial, not guilty, self-defence.

Representative advices

Advices on criminal law (including as to prospects and appellate advices), evidentiary issues, intentional torts (including as to quantum), statutory interpretation, police powers and other investigatory law including telecommunication, surveillance, listening devices, search and other warrants, forensic procedures, extended supervision orders, extradition and claims for legal professional privilege.

Publications and Papers

I have prepared and presented a number of legal papers at conferences and for other professional bodies, including on topics such as:

1. Powers of search and seizure and warrants.
2. Judicial Review for criminal lawyers.
3. Evidence procured by “agents of the State”.
4. Hearsay exceptions.
5. Trial practices.
6. Government Privileges.
7. Centrelink Debts and Prosecution.

Further details are available on request.