

NEHA EVANS

SEVENTH FLOOR GARFIELD BARWICK CHAMBERS
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Practice Areas

All areas of:

- Criminal law (State and Commonwealth) and white collar crime
- Workplace health and safety prosecutions
- Professional disciplinary
- Coronial Inquests
- Appellate

Admissions

2016 **Barrister**, New South Wales
2009 **Lawyer**, Supreme Court of New South Wales

Education

2005 **Bachelor of Commerce**
Macquarie University
2008 **Study Abroad Program: Bachelor of Laws**
University of Washington, Seattle USA
2008 **Bachelor of Laws**
Macquarie University

Professional Experience

2016 – Barrister, Seventh Floor Garfield Barwick Chambers
2014-2016 Solicitor, Legal Aid NSW (Criminal Division)
2011-2014 Solicitor, NSW Director of Public Prosecutions
2010-2011 Solicitor, DLA Phillips Fox (as it then was) - Litigation and Dispute Resolution

Selected
Appearances

Conklin v R [2017] NSWCCA 275 (led by P. McGuire SC)–

Appeal against conviction and sentence concerning charges of defrauding the Commonwealth and obtaining a financial advantage by deception pursuant to the *Crimes Act 1914 (Cth)* and the *Criminal Code (Cth)*.

Minister for Mental Health v A [2017] NSWCA 288 (led by P. Griffin SC)–

Challenge to the application of various provisions of the *Mental Health (Forensic Provisions Act) 1990* by the Mental Health Review Tribunal – whether Tribunal failed to set out reasons for determination- whether Minister entitled to adduce fresh evidence on appeal by way of rehearing.

Attorney General of NSW v McGuire [2017] NSWSC 1072 (unled)–

Application to extend ‘forensic patient’ status pursuant to the *Mental Health (Forensic Provisions Act) 1990*.

Gould v Director of Public Prosecutions (Cth) [2018] NSWCCA 109 (led by R. Maidment KC)–

Challenge to validity of telecommunication interception warrant- scope of prosecutor’s pre-trial disclosure obligation- whether obligation broader than legitimate forensic purpose test for evidence sought under subpoena.

Health Care Complaints Commission v Le [2018] NSWCATOD 72 (unled)–

Application to cancel the Respondent’s registration as a pharmacist after having been convicted of serious criminal offences involving the supply of prohibited drugs- question of fitness in the public interest to practice in the profession of pharmacy- allegation of unsatisfactory conduct and professional misconduct pursuant to the *Health Practitioner Regulation National Law (NSW)*.

Hollamby v Health Care Complaints Commission [2018] NSWCATOD 176 (unled)–

Application for re instatement as an enrolled nurse following a determination that the Applicant had an ‘impairment’ and was not ‘competent to practice’.

R (Cth) v Alexandre Alexander (District Court of NSW, May 2019- unreported) (led by P. McDonald SC)–

Jury trial involving charges pursuant to the *Corporations Act 2001(Cth)* - company director allegedly providing false/misleading information to ASX Limited.

Health Care Complaints Commission v Stanton [2019] NSWCATOD 58 (unled) –

Application to cancel the Respondent's registration as a psychologist in the context of engaging in sexual misconduct with two female patients- allegation of unsatisfactory conduct and professional misconduct pursuant to the *Health Practitioner Regulation National Law (NSW)*.

Linnane (Department of Planning and Environment) v Peak Gold Mines Pty Ltd [2021] NSWDC 565 (led by L. Taylor SC)-

Sentence proceedings after a plea of guilty arising from a death in the workplace. Consideration of objective seriousness, duty of employers, risk of death or serious injury, discount for plea of guilty in the context of disputed facts.

Commonwealth Director of Public Prosecutions v Saadieh [2021] NSWCCA 232 (led by J. Single SC)-

Detention application following a grant of bail by single judge of the NSW Supreme Court. Allegation of a terrorism related offence – legislative requirement for inmate to establish 'exceptional circumstances' to warrant a grant of bail pursuant to the *Bail Act 2013 (NSW)*.

Simpson v R [2021] NSWCCA 264 (unled)-

Release application involving both federal and state offences. Consideration of time on remand waiting trial, access to brief in custody, and covid-19 related issues in the context of a custodial setting.

Attorney General of New South Wales v Randall [2023] NSWSC 708 (unled)-

Application to extend 'forensic patient' status pursuant to the *Mental Health (Forensic Provisions Act) 1990* after serving limited term in custody.