

Andrew Fowler-Walker

Barrister

Ground Floor, 329 King William St
ADELAIDE SA 5000
andrewfowlerwalker@gmail.com
0402 061 559
www.frankmoranchambers.com.au

FRANK MORAN
CHAMBERS



Practice Areas:

Criminal, Appeals, Environment and Planning, Public/Administrative, Family, Industrial/Employment, Inquests/Inquiries, Alternative Dispute Resolution

Year Admitted to Practice:

2006

Date Commenced at the Independent Bar:

2015

Academic Qualifications:

- 2006 GDLP (Law Society of South Australia)
- 2005 LLB (University of Adelaide)
- 2004 Mediator Accreditation (University of Adelaide)
- 2001 BSC (double major in psychology and physiology) (University of Adelaide)

Teaching:

- 2017-20 Adjunct Lecturer, Criminal Law and Advocacy (College of Law – Practical Legal Training)
- 2019 Guest Lecturer, Plea Negotiations (South Australian Bar Association - Bar Readers Course)
- 2018 Guest Lecturer, Criminal Law and Advocacy (University of SA – Bachelor of Laws)
- 2014 Guest Lecturer, Criminal Law (Flinders University – Bachelor of Laws)
- 2010 Adjunct Lecturer (semester), Criminal Procedure and Sentencing (University of SA – Bachelor of Laws)
- 2006 Exam Marker, Contract Law (University of SA – Bachelor of Laws)

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Professional Experience:

Andrew practices in criminal law (trials and appeals) and in regulatory and disciplinary jurisdictions. He has been lead counsel in a significant number of trials, including trials with multiple accused and multiple complainants. He has defended charges of murder, importing drugs, selling drugs, possessing firearms, fraud, serious assaults, dangerous driving, sexual offences and charges related to organised crime and terrorism. He has also prosecuted for the State and Commonwealth Director of Public Prosecutions, and the Royal Society for the Prevention of Cruelty to Animals.

Andrew has appeared in trial with and against some of the leading silks in the country. Andrew has been led by M Shaw KC, M Norman KC and K Handshin KC. He has also appeared against M Shaw KC, L Powell KC, G Algie KC, D Edwardson KC, R Van de Wiel KC, S Henchcliffe SC, J Pearce KC and M Hinton KC. He has appeared in trial alongside M Abbott KC, W Terracini KC, J Condon KC and W Boucaut KC. Andrew also regularly conducts trials in country circuit courts, in particular the Port Augusta District and Supreme Courts.

Andrew was admitted to practice in 2006 before working at Wallmans Lawyers as a solicitor in the environment and planning team. He spent seven years at the Office of the Director of Public Prosecutions as counsel in trial and appellate proceedings, before he commenced at the Independent Bar in 2015 with Len King Chambers, where he accepted both prosecution and defence briefs.

In 2020 Andrew joined Frank Moran Chambers and has benefited from the mentorship and guidance of Marie Shaw KC.

Outside of the law, he has over ten years of experience as a semi-professional football player in the Football Federation of South Australia and has represented the State of South Australia in football as well as Futsal, making him well placed to receive briefs in the area of sporting disciplinary tribunals.

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Professional Appointments:

- 2021 - 2023 Recommended in Doyle's Guide 2021, 2022 & 2023 – for expertise as counsel in the criminal law jurisdiction
- 2020 - present Barrister at Frank Moran Chambers
- 2015 – 2020 Barrister at Len King Chambers
- 2008 – 2015 Counsel (trials and appeals) at the Office of the Director of Public Prosecutions (SA)
- 2006 – 2008 Solicitor at Wallmans Lawyers in the environment and planning team
- 2006 Admitted to the Supreme Court of South Australia
- 2005 Law clerk at Norman Waterhouse Lawyers in the environment and planning team

Professional Memberships:

South Australian Bar Association

Law Society of South Australia

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A selection of cases that Andrew has appeared in as lead counsel or junior counsel include:

*counsel for defence

**counsel for prosecution

Courts of Appeal:

- *Johnson (a pseudonym)* v The King* [2022] SASCA 126 – sentencing – trafficking - statutory interpretation “exceptional circumstances”
- *Penhall v The King** [2023] SASCA 93 (led by K Handshin KC) – murder – unbalanced summing up – self defence
- *R v Pateras** [2021] 291 A Crim R 238; [2021] SASCA 107 – trafficking drugs – utilitarian benefit of plea – statutory interpretation “good reason” - redefining the sentencing guideline in *R v Young* [2016] SASCF 102
- *Hill v The Queen** [2021] SASCA 83 (led by M Shaw KC) – Commonwealth fraud – directions on joint commission of an offence
- *GZO v The Queen** [2021] 138 SASR 256; [2021] SASCA 67 (led by M Shaw KC) – appropriate discount for cooperation with authorities – historical review
- *R v Antarakis** [2020] 137 SASR 205; [2020] SASCF 105 – ultra vires bond conditions
- *M, B v Police** [2019] SASC 58 (Parker J) – Magistrates Court appeal - indecent assault – expert evidence - capacity to consent
- *R v K, GA** [2019] SASCF 2 - unsworn evidence of child complainant – s 13BA interviews
- *R v Singh** [2019] SASCF 51 – attempt to import precursor (Commonwealth) – false delivery address – unreasonable verdict
- *R v Phillis** [2018] SASCF 119 – initial complaint evidence – implications of delay in judgment
- *R v Hamra** [2016] SASCF 130 (led by Ms Shaw KC) – s 50 persistent sexual exploitation – statutory interpretation - Crown appeals against acquittal - (went on appeal to the High Court in *Hamra v The Queen* [2017] HCA 38 –delineation of acts)

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Supreme Court:

- *R v Alzuain* & 7 others* [2023] SASC (Martin AJ) – trial (lead counsel for Musa Alzuain) – murder – extended joint enterprise - 7 months & over 6000 pages of evidence – accomplice warning - identification – cross admissibility - outlaw motorcycle gang membership as discreditable conduct
- *R v H** [2022] (Nicholson J) – trial - severance of counts – murder
- *A v Commissioner of Police** [2022] SASC 33 (Blue J) (led by M Shaw KC) – application - costs
- *R v Sansbury, Newchurch & Newchurch** [2021] (Bampton J) (led by M Shaw KC) – trial - murder – identity - unanimity jury direction - see also *Question of Law Reserved No. 1 of 2022* [2023] SASCA 109
- *The Advertiser Newspapers Pty Ltd v Penhall** [2021] SASCA 76 (involvement at first instance) (led by M Shaw KC) - suppression – internet take down orders
- *R v Penhall** [2021] (Peek J) (led by M Shaw KC) – trial - murder – blood patten analysis - provocation – self-defence
- *R v HJS** [2020] SASC 142 (Doyle J) (led by Ms Shaw) – change of plea application - manslaughter
- *R v Adams** [2018] SASC (Vanstone J) – trial - threats to kill
- *R v Airey*** [2013] (Kelly J) (led by M Norman KC) – murder – blood pattern analysis
- *R v Vo Tri Vuong**** [2011] SASC (Kourakis J) – trial - grievous bodily harm
- *R v G*** [2011] (Duggan J) SASC – trial – unlawful sexual intercourse
- *R v Wanganeen*** (2010) 108 SASR 463; [2010] SASC 237 (Gray J) – sentencing procedure - aboriginal sentencing conferences

District Court:

- *R v Smith and Ashton** [2023] SADC 108 (Telfer J) – trial – unlawful sexual intercourse – crown openings inconsistent with evidence
- *R v Borowski** [2022] SADC (Judge Barrett) – trial - threats to kill – credit and reliability of witness
- *R v F** [2021] Environment, Resources and Development Court (Chief Judge Evans) – sentencing – unlawful development – make false or misleading statement - discretion to impose sentence without conviction

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District Court (cont.):

- *R v Roberts, Sherriff and Mayne** [2020] (Judge Press) – Commonwealth trial – attempt possess commercial quantity drug - 313kg methylamphetamine – available defences
- *R v Rogers** [2020] SADC 72 (Judge Tracey) – trial – domestic violence – particularisation – credit and reliability of complainant
- *R v Mann*** [2020] SADC 47 (Judge Chapman – trial - statutory interpretation - elements for s 50 persistent sexual exploitation of a child – “relationship” (case then stated *Question of Law Reserved (No 1 of 2020)* [2020] SASCF 69)
- *R v Keen** [2019] SADC 189 – trial – fraud – above \$300,000
- *R v B, JW** [2019] SADC 102 (Judge Costello) – trial – unlawful sexual intercourse (x5)
- *R v Blundell** [2018] SADC (Judge Cuthbertson) – trial - trespass and assault – identification evidence (went on appeal in *R v Blundell* [2018] SASCF 84 – directions on identification evidence)
- *R v Keyte*** [2018] SADC 22 (Judge Davison) – trial – persistent sexual exploitation of a child
- *R v Hopgood** [2018] SADC (12 December 2018) (Judge Soulio) – change of plea application – trafficking drugs
- *R v T*** [2018] SADC 2 (Judge Millsted) – trial – serious criminal trespass in place of residence and assault
- *R v Ralph** [2017] SADC (Judge Costello) – sentencing – serious firearms offence – exceptional circumstances
- *R v Dumont*** [2017] SADC (14 September 2018) (Judge Soulio) - trial – kidnapping - trespass – robbery - torture
- *R v C** [2017] SADC (Judge David) – trial - attempt kidnapping (x6) complainants - temporary stay - particularisation – sentence - assault with intent
- *R v Dao*** [2017] SADC – trial - trafficking heroin (x7) – undercover police operations
- *R v B** [2016] SADC (Judge Barrett) – severance – two complainants – persistent sexual exploitation of a child
- *R v Ownsworth* ** [2016] SADC (Judge McIntyre) – trial - endanger life of child - expert evidence – unattended children in cars
- *R v Hamra (No 2)** [2016] SADC 8 (Judge Tilmouth) (led by M Shaw KC) – trial – statutory interpretation of s 50 - no case to answer

District Court (cont.):

- *R v Hamra** [2016] SADC 4 (Judge Tilmouth) (led by M Shaw KC) – severance - multiple complainants – s 50 persistent sexual exploitation of a child
- *R v M, F*** [2016] SADC (Judge Millstead) – trial - unlawful sexual intercourse – uncharged acts (sentence and use of uncharged acts went on appeal in *R v M, F* [2017] SASFC 114)
- *R v Kuir*** [2015] SADC (Judge Tracey) – trial – rape - credit
- *R v Sullivan*** [2014] SADC (Barrett J) – trial – communicate with a child for a prurient purpose.
- *R v McDonald*** [2013] SADC (Judge Davison) – trial - alibi - unlawful sexual intercourse – (followed by six charges of perjury in *R v J McDonald, McDonald, Flaherty, Jones, Whyman and Wilson* [2016] SADC (Judge Tracey)
- *R v O'Brien*** [2013] SADC (Judge Lovell) – trial – dangerous driving causing serious harm (x2) – mental incompetence – expert evidence – automatism
- *R v Thompson*** [2013] SADC (Judge Slattery) – trial – taking and correcting jury verdicts – *functus officio* - Ruling *R v Thompson* [2013] SADC 22
- *R v Austin & Schaaij*** [2012] SADC (Judge Muscat) (led by B Nitschke) – trial – abuse of public office
- *R v Ellis*** [2012] SADC – trial – arson of police vehicle
- *R v Djokovic & Woollard* **[2012] – trial – manufacture methylamphetamine
- *R v Harradine & Sweeney*** [2011] (Judge Davey) – trial – robbery – DNA - destruction of evidence - confessions
- *R v Huynh*** [2010] SADC 54 (Judge Barrett) – trial – prosecuting counsel - robbery – joint enterprise – circumstantial evidence – (went on appeal in *R v Huynh* [2010] SASFC 25)

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Other Courts – cases of note:

- *Police v Jaunay and Hobbs*** [2021] AMC – trial – aggravated assault by on duty police – position of authority (went on appeal in *Jaunay v Police* [2022] SASC)
- *Police v Johnson** [2019] AMC – sentencing - firearms
- *RSPCA v Mortensen*** [2019] AMC – trial - ill treatment of an animal causing serious harm
- *Police v R, PA*** [2018] Youth Court - trial - sexual assault – three complainants – discreditable conduct and cross admissibility (went on appeal in *R v R, PA* [2019] SASCFC 19)

Sporting Achievements - football:

- 1999 – 2010 South Australian footballer in the Football Federation of South Australia (236 games)
- 2010 National Futsal Championships, Canberra - South Australian State Team
- 2007 President's Cup Winners (Div 1) (Campbelltown City)
- 2006 South Australian State Team
- 2006 Robbie Parks Medal (Cumberland United)
- 2005 Top 10 Best & Fairest Premier League – Div 1 (Cumberland United)
- 2004 Top 10 Best & Fairest Premier League – Div 1 (Enfield City)
- 1999 Premiership Winners Premier League – Div 1 (Cumberland United)

Other Interests:

- 2021 Facilitate WW2 ex-servicemen and prisoners of war engage with the Ice Factor Charity for disadvantaged youths.
- 2019 The Returned & Services League of Australia representative in Japan for the Grassroots reconciliation programme concerning treatment of Australian WWII prisoners of war.