

Phillip English - Barrister

Third Floor St James' hall Chambers – Level 3, 169 Phillip Street, Sydney NSW 2000
TEL: 02 9233 3004 FAX: 02 9223 9699 DX 822 Sydney
english@3sjh.com.au

Curriculum Vitae

Areas of practice

White Collar and Environmental Crime, Inquests & Commissions of Inquiry, Local Government & Environmental, Administrative, Asset Confiscation, Intentional Torts.

Called to the Bar – June 2011

LEGAL EXPERIENCE

2011 – Present

NEW SOUTH WALES BAR – some matters include:

White Collar and Environmental Crime, Intentional Torts

- Crown counsel in NSW Supreme Court and NSWCCA proceedings *R v Macdonald & Maitland* - offences of misconduct in public office ([2019] NSWCCA 32; [2017] NSWSC 638 and others).
- Regularly appearing as Prosecutor on behalf of the NSW Environment Protection Authority in NSW Land and Environment Court prosecutions (some recent cases include *EPA v Whitehaven Coal Mining Limited* [2019] NSWLEC 27; *EPA v Viva Energy Pty Ltd* [2019] NSWLEC 13; *EPA v Laison* [2018] NSWLEC 76; *EPA v P&M Quality Small Goods Pty Ltd & JBS Australia Pty Limited* [2017] NSWLEC 89; *EPA v Elf Farm Supplies Pty Ltd* [2017] NSWLEC 60; *EPA v Foxman & Ors* [2015] NSWLEC 105 (trial); *EPA v Foxman & Ors* [2016] NSWLEC 120 (sentence) and *EPA v Laison* [2015] NSWLEC 89).
- Junior counsel in *Dyno Nobel Asia Pacific Pty Ltd v Environment Protection Authority* [2017] NSWCCA 302.
- Junior counsel in *State of New South Wales v Thomlinson* [2018] NSWCA 151 – police conduct and intentional torts involving licensed premises.
- Junior counsel in *R v Boughen & Cameron* [2012] NSWCCA 17 – sentences for tax fraud offences.

Commissions of Inquiry & Inquests

- Counsel assisting in the Independent Commission Against Corruption's (ICAC) Operation Gerda (corruption in relation to the provision of security services at Sydney University).
- Counsel for the Secretary of the NSW Department of Family and Community Services at the South Australian inquest into the death of baby Ebony Napier.
- Junior counsel for four witnesses at ICAC's public inquiry, Operation Jasper (Mt Penny coal exploration licences).
- Junior counsel for YMCA NSW at the Royal Commission into Institutional Responses to Child Sexual Abuse – Case Studies 2 and 48.
- Counsel for two witnesses at ICAC's public hearing, Operation Spicer (corrupt payments to Liberal politicians).

Regulatory / Administrative Law

- Junior counsel for the NSW Crime Commission in the matters of *SD v New South Wales Crime Commission*, [2013] NSWCA 48 & NSW Supreme Court, 18 October 2012 decision of Adamson J, and in the High Court where Special Leave was refused – challenges to compulsory questioning powers.
- Junior counsel in *Perry Properties Pty Ltd v Chief Commissioner of State Revenue* [2013] NSWCA 274 – proceedings concerning the application of guidelines to land tax exemptions.

Commercial Law

- Counsel in *Bowden v Weldon* [2014] NSWSC 109 – proceedings involving an intention to defraud under s. 37A of the *Conveyancing Act 1919*.

Publications whilst at the Bar

- “Contempt by Concurrent Inquiry” – *Alternative Law Journal* Vol 37:3 2012.

2007 – 2011

LAWYER - AUSTRALIAN GOVERNMENT SOLICITOR – some matters include:

NSW Terrorism proceedings – R v Baladjam & Ors / R v Elomar & Ors (NSWSC)

- Advised and acted for the Australian Security Intelligence Organisation (ASIO), Australian Federal Police and the Commonwealth Attorney General’s Department in relation to public interest immunity and broader national security concerns in Australia’s longest running terrorism proceedings.

Witness protection

- Advised and acted for the Director-General of Security in District Court proceedings *R v BUSB*, where protective witness orders were obtained to enable officers from ASIO to give evidence remotely during the trial (and re-trial) of the accused. The validity of these orders was upheld by a five judge bench of the NSW Court of Criminal Appeal (*BUSB v Director-General of Security & Ors* [2011] NSWCCA 39).

Contempt

- Advised and instructed in a successful statutory contempt of court proceeding resulting in monetary penalties and an indemnity costs order (*ASIC v Albarren (No2)* [2008] FCA 386).

EDUCATION

2001 – 2004

UNIVERSITY OF TECHNOLOGY, SYDNEY

Master of Law and Legal Practice (Hons)

- Winner of the *Nea Goodman Prize* for the highest aggregate mark across all subjects attempted.

1997 - 2000

UNIVERSITY OF NEW SOUTH WALES

Bachelor of Commerce

- Graduated with merit.