

Phillip English - Barrister

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Curriculum Vitae

Areas of practice

White Collar and Environmental Crime, Inquests & Commissions of Inquiry, Administrative Law, 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

- Regularly appearing as prosecutor on behalf of the NSW Environment Protection Authority in Land and Environment Court prosecutions (some cases include *EPA v Whitehaven Coal Mining Limited* [2019] NSWLEC 27; *EPA v Viva Energy Pty Ltd* [2019] NSWLEC 13; *EPA v Grafil Pty Ltd & Mackenzie* [2018] NSWLEC 99; *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).
- 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).
- Appeared for the appellant prosecutor in *Environment Protection Authority v Grafil Pty Ltd & Mackenzie* [2019] NSWCCA 174 (and in related special leave proceedings).
- Appeared for the respondent prosecutor in *Dyno Nobel Asia Pacific Pty Ltd v Environment Protection Authority* [2017] NSWCCA 302.
- Appeared for the respondent accused in *R v Boughen & Cameron* [2012] NSWCCA 17 – sentencing for tax fraud offences.

Other matters

- Appeared for the respondent plaintiff in *State of New South Wales v Thomlinson* (2018) 98 NSWLR 315 – police conduct on licensed premises.
- Appeared for the NSW Crime Commission in *SD v New South Wales Crime Commission* (2013) 84 NSWLR 456 (and in related special leave proceedings) – compulsory questioning.
- Appeared for the appellant taxpayer in *Perry Properties Pty Ltd v Chief Commissioner of State Revenue* (2013) 85 NSWLR 240 – land tax exemptions.
- Appeared for the plaintiff in *Bowden v Weldon* [2014] NSWSC 109 – proceedings alleging an intention to defraud pursuant to s. 37A of the *Conveyancing Act 1919*.

Commissions of Inquiry & Inquests

- Counsel assisting at the Independent Commission Against Corruption's (ICAC) Operation Gerda (alleged corrupt conduct in relation to the provision of security services at Sydney University).
- Represented interested parties at the following Royal Commissions, inquests and inquiries:
 - Disability Services Australia Limited at the Disability Services Royal Commission (2019).
 - Secretary of the NSW Department of Family and Community Services at the South Australian inquest into the death of baby Ebony Napier (2015).
 - YMCA NSW at the Royal Commission into Institutional Responses to Child Sexual Abuse – Case Studies 2 and 48 (2013 – 2016).
 - Two persons of interest at ICAC's 2016 public hearing, Operation Spicer (corrupt donations to the Liberal Party).
 - Four persons of interest at ICAC's 2012 public inquiry, Operation Jasper (Mt Penny coal exploration licences).

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)

- Represented 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

- Represented 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) 80 NSWLR 170).

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.