

# 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, Contempt, Intentional Torts.

**Called to the Bar – June 2011**

### LEGAL EXPERIENCE

2011 – Present

**NEW SOUTH WALES BAR – some matters include:**

#### White Collar and Environmental Crime

- Environmental Counsel to the Environment Protection Authority, a statutory appointment under the *Protection of the Environment Administration Act 1991*.
- Regularly appearing in Land and Environment Court Class 5 criminal matters (some cases include *EPA v Whitehaven Coal Mining Limited* [2019] NSWLEC 27; *EPA v Viva Energy Pty Ltd* [2019] NSWLEC 13; *Burwood Council v Pan Pac Investments Pty Ltd* [2018] NSWLEC 110; *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).
- Appeared for the appellant accused in *Petch v R* [2020] NSWCCA 133 – elements of the offence of blackmail under s 247K of the *Crimes Act 1900* (NSW).
- Crown counsel in NSW Supreme Court and NSWCCA proceedings: *R v Macdonald & Maitland* - offences of misconduct in public office ((2019) 99 NSWLR 376; [2017] NSWSC 638 and others).
- Appeared for the appellant prosecutor in stated case proceedings *Environment Protection Authority v Grafil Pty Ltd & Mackenzie* [2019] NSWCCA 174 (and in related special leave proceedings).
- Appeared for the respondent prosecutor in the sentence appeal *Dyno Nobel Asia Pacific Pty Ltd v Environment Protection Authority* (2017) 228 LGERA 302.
- Appeared for the respondent accused in *R v Boughen & Cameron* (2012) 215 A Crim R 476 – 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.

### 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.

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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**

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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.