

# 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.

### LEGAL EXPERIENCE

2011 - present

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

#### White collar matters 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 *NRAR v Bao Lin Pty Ltd* [2022] NSWLEC 42; *Orr v Narrabri Coal Operations Pty Ltd* [2021] NSWLEC 85; *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).
- Appeared for the appellant/respondent in a concurrent Crown and severity appeal involving State offences of blackmail and Commonwealth money laundering offences - *Decision Restricted* [2022] NSWCCA 24.
- Appeared for the contravenor in *Australian Securities & Investments Commission v Forex Capital Trading Pty Ltd & Ors* [2021] FCA 570 - civil penalty provisions under the *Corporations Act 2001* (Cth).
- Appeared for the appellant in *Petch v R* (2020) 103 NSWLR 1 - 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 in stated case proceedings *Environment Protection Authority v Grafil Pty Ltd & Mackenzie* (2019) 101 NSWLR 245 (and in related special leave proceedings).
- Appeared for the respondent in the sentence appeal *Dyno Nobel Asia Pacific Pty Ltd v Environment Protection Authority* (2017) 228 LGERA 302.
- Appeared for the respondent in *R v Boughen & Cameron* (2012) 215 A Crim R 476 - sentencing for tax fraud offences.

#### Other matters

- Appeared for the respondent in *State of New South Wales v Thomlinson* (2018) 98 NSWLR 315 - construction of s 77 of the *Liquor Act 2007* (NSW).

- 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.

### **Commissions of Inquiry & Inquests**

- Counsel assisting at the Independent Commission Against Corruption's (ICAC) Operation Gerda (corrupt conduct in relation to the provision of security services at Sydney University).
- Counsel assisting at various hearings for the Australian Commission of Law Enforcement Integrity.
- Represented interested parties including Government Agencies at the following Royal Commissions, inquests and inquiries:
  - NSW Independent Liquor and Gaming Authority's review of The Star Casino licence (2022).
  - ICAC's Operation Paragon - allegations of corruption against officers of NSW Roads and Maritime Services (2021).
  - Commonwealth Royal Commission into Aged Care (2020).
  - ICAC's Operation Spicer - corrupt donations to the Liberal Party (2016).
  - South Australian inquest into the death of baby Ebony Napier (2015).
  - Royal Commission into Institutional Responses to Child Sexual Abuse – Case Studies 2 and 48 (2013 - 2016).
  - ICAC's Operation Jasper - Mount Penny coal exploration licences (2012).

### **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).

### **Witness protection**

- *BUSB v Director-General of Security & Ors* (2011) 80 NSWLR 170.

### **EDUCATION**

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2001 - 2004

### **Master of Law and Legal Practice (Hons) - UTS**

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

1997 - 2000

### **Bachelor of Commerce - UNSW**

- Graduated with merit.