

# 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 to present – **NEW SOUTH WALES BAR**

#### 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 proceedings, for example: *Burwood Council v Portleigh Pty Ltd & X-Sealant Pty Ltd* [2023] NSWLEC 103; *Barnes v Commins* [2023] NSWLEC 43; *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).
- Criminal appellate appearances:
  - *EPA v Grafil Pty Ltd & Mackenzie* [2022] NSWCCA 268 – sentencing for waste offences.
  - *Le v R* [2022] NSWCCA 243 – sentencing for firearms and drug offences (unled).
  - *R v Hausman & Rostankovski; Hausman & Rostankovski v R* [2022] NSWCCA 24 – sentencing for blackmail and money laundering offences (unled).
  - *Petch v R* (2020) 103 NSWLR 1 – conviction appeal re blackmail offence.
  - *Macdonald & Maitland v R* (2019) 99 NSWLR 376 – conviction appeal re common law offence of misconduct in public offence.
  - *EPA v Grafil Pty Ltd & Mackenzie* (2019) 101 NSWLR 245 – stated case re waste offences.
  - *Dyno Nobel Asia Pacific Pty Ltd v EPA* (2017) 228 LGERA 302 – sentencing for water pollution offences.
  - *R v Boughen & Cameron* (2012) 215 A Crim R 476 - sentencing for tax fraud offences.
- *Australian Securities & Investments Commission v Forex Capital Trading Pty Ltd & Ors* [2021] FCA 570 - civil penalty provisions under the *Corporations Act 2001* (Cth).
- *Australian Competition and Consumer Commission v Cornerstone Investments Pty Ltd (in liq) (No 6)* [2020] FCA 822 – contempt.

### Civil appellate appearances

- *Petch v Director of Public Prosecutions* [2022] NSWCA 33 – perjury.
- *State of New South Wales v Thomlinson* (2018) 98 NSWLR 315 - construction of s 77 of the *Liquor Act 2007* (NSW).
- *SD v New South Wales Crime Commission* (2013) 84 NSWLR 456 – compulsory questioning powers.
- *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 Hector (corrupt conduct relating to Transport for NSW contracts with Downer EDI Works Pty Ltd).
- Counsel assisting at ICAC's 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).
  - 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 to 2011 – **LAWYER - AUSTRALIAN GOVERNMENT SOLICITOR**

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### EDUCATION

2001 to 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 to 2000 – **Bachelor of Commerce - UNSW**

- Graduated with merit.