

CHRISTOPHER O'DONNELL SC

FREDERICK JORDAN CHAMBERS

Ground Floor, 53 Martin Place, Sydney NSW 2000

DX 450 Sydney

T +61 2 9229 7333 M +61 417 045 332

F + 61 2 9221 6944

E codonnell@fjc.net.au

Chris has acquired significant experience across a diverse range of practice areas since being called to the Bar, resulting in his appointment as Senior Counsel in 2016.

He has successfully represented both private clients and Commonwealth and State government agencies in high-profile criminal law (including white collar crime) matters, professional disciplinary hearings, and before inquests and commission inquiries. His expertise also extends to commercial disputes as well as workplace, health and safety matters.

Chris regularly appears in Federal and State courts and tribunals in complex and lengthy litigation. Notably, he has appeared in the High Court of Australia with respect to constitutional appeals and has successfully appeared for the prosecution in a 21-month trial concerning nine accused of terrorism charges. His expansive appellate practice often sees him representing clients in the New South Wales Court of Appeal and Court of Criminal Appeal.

Prior to being called to the Bar, Chris practised as a solicitor at top-tier law firms Freehill Hollingdale & Page (now, Herbert Smith Freehills) and Clayton Utz. Complementing his existing practice at the Bar, he also practised as In-house Counsel for the Commonwealth Director of Public Prosecutions.

Chris has authored several academic articles and reviews in a range of legal publications, including the *Australian Bar Review*, the *Australian Taxation Review* and the *Criminal Law Journal* and delivers papers on topical legal issues in his areas of practice. He holds a Master of Arts in communications from the University of Technology, Sydney, and a Bachelor of Laws and a Bachelor of Arts, from the University of Sydney.

APPOINTMENTS AND ADMISSIONS TO PRACTICE

- 2016 Appointed Senior Counsel
- 1993 Admitted to the Bar of New South Wales
- 1984 Admitted as a Solicitor of the Supreme Court of New South Wales

PROFESSIONAL QUALIFICATIONS

- 1994 Master of Arts: University of Technology, Sydney
 - 1984 Bachelor of Laws: University of Sydney
 - 1984 Bachelor of Arts: University of Sydney
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PRINCIPAL AREAS OF PRACTICE

- Administrative Law
- Appellate
- Commercial Law, Corporations and Trade Practices
- Constitutional Law
- Customs
- Criminal Law and Proceeds of Crime
- Extradition & Mutual Assistance
- Inquests, Disciplinary Hearings and Inquiries
- OH&S / Work, Health & Safety
- Professional Disciplinary Matters
- Professional Misconduct
- Statutory Tribunals

PROFESSIONAL EXPERIENCE

- 2000 – present Barrister, Frederick Jordan Chambers
- 1998 – 2000 Barrister, Wardell Chambers
- 1993 – 1998 In-house Counsel, Commonwealth Director of Public Prosecutions
- 1988 – 1993 Solicitor, Commonwealth Director of Public Prosecutions
- 1986 – 1988 Solicitor, Freehill Hollingdale & Page (now, Herbert Smith Freehills)
- 1984 – 1986 Solicitor, Clayton Utz

PROFESSIONAL MEMBERSHIPS AND PANEL APPOINTMENTS

- Member, New South Wales Bar Association
- Panel Member, Legal Aid Review Committee No.3: 2013 - 2014
- Member, Legal Aid NSW Specialist Barrister Panel (Criminal Appellate Matters): 2012 - 2016
- Member, Legal Aid NSW Specialist Barrister Panel (Complex Criminal Law): 2011 - 2016
- Committee Member, Bar News Editorial Committee: 2001 - 2012
- Member, Management Committee NSW Writers' Centre: 2000 - 2007

PUBLICATIONS

- *The Admissibility of Confessional Evidence in New South Wales*: (1996) 14 Australian Bar Review 61
- *Should the Director Pay? Directors' Liabilities to Pay Reparation for Federal Taxation Offences*: (1996) 25 Australian Tax Review 56
- *The Elements of Criminal Fraud - Recent Developments*: 1998 22 Criminal Law Journal 140
- *The Silent Accused*: Bar News - 2000
- *Should New South Wales have a Bill of Rights?*: Bar News - 2001/2002
- *Taking a Stand – Land Rights to Reconciliation* by Robert Tickner: Sydney Morning Herald - 2 June 2001 (review)
- *The Poison Principle* by Gail Bell: Sydney Morning Herald 23 June 2001 (review)
- *Just Another Little Murder* by Phil Cleary: Sydney Morning Herald 28 September 2002 (review)
- *Interview with Karpal Singh*: Bar News - 2002/2003 (with Chris Winslow)
- *A New Approach to Sentencing*: Bar News - 2003
- *Review of "The Coroner"*: Bar News - 2004/2005

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- *CEO of Customs v El Hajje*: Bar News - 2005/2006
- Review of 'The Gentle Art of Persuasion' by Chester Porter QC: Bar News - 2005/2006
- *Hicks v Ruddock*: Bar News - 2007
- *Parker v Customs*: Bar News - 2009
- *R v RK & LK and Ansari v R*: Bar News - 2010 to 2011
- Review of 'Fruit of the Poisonous Tree' by Kerri Mellifont: Bar News - 2011
- *The Changing Nature of Sentencing in NSW*: Bar News - 2011

SPEAKING ENGAGEMENTS

- Seminar and paper presentation for UNSW Criminal Law CLE Seminar: *Search Warrants and Improper Purpose – Recent Developments*: 2017
- Seminar and paper presentation for Legalwise Medical Negligence conference: *When Does Medical Negligence Become Professional Misconduct? Critical Disciplinary Issues*: 2017
- Seminar presentation at FJC2 CPD conference: *Human Trafficking, Slavery, Sexual Servitude and offences*: 2013
- Seminar presentation for legal officers at the CDPP: *A recent GST trial: debrief/challenges/lessons*: 2013
- Seminar presentation at AFP Human Trafficking Investigation Program: *Investigating and Prosecuting Slavery, Sexual Servitude and Human Trafficking Offences*, Belconnen ACT: 2012
- Presentation at Towards National Work Health Reforms Seminar for Solicitors: *Prosecuting offences under the Work Health and Safety Act 2011* College of Law: 2011
- Instructor – Advocacy training day for legal officers at the CDPP: 2010

SELECT CASES

High Court of Australia

- *Alqudsi v The Queen* [2016] HCA 24; 90 ALJR 711; 332 ALR 20 – Constitutional appeal on trial by jury in Commonwealth criminal matters and applicability of NSW trial by judge-alone provisions
- *Magaming v The Queen* [2013] HCA 40; (2013) 252 CLR 381; (2013) 87 ALJR 1060; 302 ALR 461 – Constitutional appeal upholding the validity of mandatory minimum sentencing provisions

NSW Court of Appeal

- *Solomons v District Court of NSW* (2000) 49 NSWLR 321 – Successful appearance for respondent in appeal holding that the *Costs in Criminal Cases Act 1967* (NSW) does not apply to federal offences

NSW Court of Criminal Appeal

- *R v Russell, Rapolti & Speedy Corporation Pty Limited* [2016] NSWCCA 264 – Successful appearance for appellant in challenge to admissibility of improperly obtained evidence under search warrants
- *Chidiac v R (No 2)* [2016] NSWCCA 120 – Successful appearance for respondent in complex appeal against a 1989 conviction under the *Crimes (Appeal and Review Act) 2001* (NSW)
- *Dang & Tran v R* [2015] NSWCCA 163 – Successful appearance for respondent in Appeals against convictions on ground verdicts of guilty unreasonable or unsupported

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- *X7 v R* [2014] NSWCCA 273; (2014) 292 FLR 57 - Successful appearance for Respondent in appeal against refusal to grant permanent stay of criminal proceedings
- *R v Kaldor* (2004) 150 A Crim R 271 – Successful appearance for respondent in appeal involving interpretation of accessory and innocent agency provisions of the Commonwealth Criminal Code
- *Rao v Canterbury City Council* (2000) 112 LGERA 360 – Appearance in leading case on particularisation of environmental offences under the *Environmental Planning & Assessment Act*
- *R v Moussad* (1999) 152 FLR 373 – Successful appearance for the respondent in appeal resulting in extension of criminal enterprise doctrine to fraud cases

Supreme Court of NSW

- *Cassandra Sainsbury v Seven Network Australia Pty Ltd in the Supreme Court of NSW* – unreported, 2017 urgent application for interlocutory injunction restraining television broadcast
- *Ng v Health Care Complaints Commission* [2017] NSWSC 53 – Successful appearance for respondent in appeal from professional disciplinary proceedings in NCAT - [2015] NSWCATOD 85 & 139 - concerning sexual assault of patient
- *R v Elomar & Ors* [2010] NSWSC 10 – Successful appearance for prosecution in 21 month 'Operation Pendennis' trial of nine accused on terrorism charges
- *McEwen v Simmons* (2008) 222 FLR 111; 191 A Crim R 390 – Successful appearance for respondent in appeal which held child pornography legislation extended to pornographic depictions of characters from "The Simpsons"