

CHRISTOPHER O'DONNELL SC

FREDERICK JORDAN CHAMBERS

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Chris has acquired very significant experience across a diverse range of practice areas since being called to the Bar, and since 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, Royal Commissions and commissions of inquiry (both as Counsel Assisting and for private clients). His expertise also extends to commercial disputes, professional disciplinary matters, administrative law disputes and workplace, health and safety matters.

Chris regularly appears in Federal and State courts and tribunals both 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 both the prosecution and the defence in many complex criminal matters both in New South Wales and interstate. His expansive appellate practice often sees him representing clients in the New South Wales Court of Appeal and Court of Criminal Appeal. He also provides advice to clients on a range of complex issues.

Prior to being called to the Bar, Chris practised as a solicitor at top-tier law firms Freehill Hollingdale & Page (now, Herbert Smith Freehills) (commercial litigation) and Clayton Utz (banking and finance). Complementing his existing practice at the private 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, 16 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

- Adjudicator – Sydney University Law School Federal Constitutional Law Mooting Competition: 2023-2025
- Seminar Presentation for Legalwise Conference: *Sentencing for Commonwealth Terrorism Offences*: 2020
- Seminar Presentation and Instructor to Phillipines Prosecutors for *Prosecuting Online Sexual Exploitation Offences* Confernece, Cebu, Phillipines: 2018
- 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

- *Hardy v State of New South Wales* [2021] NSWCA 338 – appearance for the Applicant in appeal against the imposition of an extended supervision order under the *Terrorism (High Risk Offenders) Act 2017* (NSW)
- *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

- *Barney v R* [2023] NSWCCA 85 – appearance for the applicant in appeal against convictions for sexual assault offences

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- *GP v R* [2021] NSWCCA 180 – successful appearance for the applicant in appeal against sentence for sexual assault offence
- *R v Gino Stocco & Mark Stocco* [2018] NSWCCA 77 – appearance for one of the applicants in appeal against sentence on a charge of murder
- *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
- *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 the Australian Capital Territory Court of Appeal

- *Yavuz v The Queen* [2022] ACTCA 5 – successful appearance for the respondent in an appeal against sentence for offences of importing a border controlled drug
- *Omari v The Queen* [2022] ACTCA 4 – successful appearance for the respondent in an appeal against sentence for offences of importing a border controlled drug

Federal Court of Australia

- *Fogarty v Jakovac* [2023] FCA 234 – successful appearance for respondent in application for confirmation of an interim control order under 104.12A of the *Criminal Code* (Cth) arising out of terrorism offending, resulting in dismissal of the application
- *Minister for the Environment & Heritage v Greentree (No 3)* [2004] FCA 1317 – successful appearance for the Minister in action seeking civil penalties and remediation orders under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) for the respondent's action that had a significant impact on the ecological character of a declared Ramsar wetland

Supreme Court of NSW

- *R v George Alex & Anor, 2024* [2024] NSWSC 1565 – successful appearance for the prosecution in a 7 month trial of six accused on charges of conspiring to cause a loss to the Commonwealth and conspiring to deal in the proceeds of crime arising out of a \$10,000,000 PAYG tax fraud
- *A-G (Cth) v Uweinat, 2023* - successful appearance for the respondent in an application for an extended supervision order under division 105A of the *Criminal Code (Cth)* arising out of terrorism offending, resulting in the dismissal of the application
- *R v J Lucas & B Lucas, 2022* – successful appearance for the prosecution in a 14 week trial on terrorism charges arising out of extreme right wing ideology
- *Anthony v Morton* [2018] NSWSC 1884 – commercial dispute over the terms of an agency agreement between a literary agent and an internationally successful author
- *R v Bridget Namoa, 2018* - appearance for accused in 6 week trial on conspiracy to commit a terrorist act – see *R v Bayda; R v Namoa (No 8)* [2019] NSWSC 24

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- *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
- *DPP (NSW) v Borg* [2012] NSWSC 1535 – successful appearance for the NSW DPP in an appeal against the dismissal by the Local Court of a charge of taking part in a race between vehicles on a road
- *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 against a conviction in the Local Court which held child pornography legislation extended to pornographic depictions of cartoon characters from "The Simpsons"

Supreme Court of Western Australia

- *R v R v Lahood & Ors, 2022* – successful appearance for the prosecution in a trial of 6 accused on charges of importing a commercial quantity (1.2 tonnes) of the border controlled drug methamphetamine – see *R v Bouhamdan (No 8)* [2023] WASC 170

Administrative Appeals Tribunal (Cth)

- *Wiseway Logistics Pty Ltd v Department of Home Affairs, 2024* – successful appearance for the respondent DHA in an application for a stay of a decision by the DHA not to renew the applicant's designation as a regulated air cargo agent

District Court of NSW

- *R v JL, 2020* - successful appearance for accused in 2 week trial on sexual assault charges
- *R v Russell Waugh, 2018* - successful appearance for accused, an officer of a large multinational construction company, in a 6 week trial resulting in his acquittal on a charge of aiding and abetting the falsification of company books
- *R v Russell, Rapolti & Speedy Corporation Pty Limited, 2015* – successful appearance for two accused, both company directors and both acquitted, in a 5 week trial on charges of aiding and abetting a corporation dishonestly obtaining a financial advantage by deception
- *R v Netthip* [2010] NSWDC 159 – successful appearance for prosecution in proceedings for multiple Commonwealth sexual servitude and debt bondage offences resulting in negotiated plea by offender and sentence of full-time imprisonment

Local Court of NSW

- Numerous successful appearances for defendants in various Local Courts resulting in the dismissal of various charges (for example assault charges) dealt with summarily