



Emmanuel Kerkyasharian

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ADMISSIONS & QUALIFICATIONS

Barrister: 2010
Solicitor: 2004
University of Sydney, Bachelor of Law (Hons), 2003
University of Sydney, Bachelor of Commerce (Finance & Economics), 2001

EXPERIENCE

2010 – Present
Barrister, Forbes Chambers

2008 – 2010
Senior Policy Officer, Criminal Law Review Division, Attorney General's Department, advising on, *inter alia*, Terrorism, Forensics, Bail, & Criminal Procedure

2005 – 2007
Solicitor and Senior Solicitor at the Western Aboriginal Legal Service, appearing and instructing in criminal matters

PRACTICE AREAS

Criminal law, including jury trials & appeals
Corporate, competition and other white-collar crime
Work Health and Safety, and other regulatory crime
Commissions of inquiry
Compulsory examinations

SELECTED CASES

Clubs NSW v Shanks, unreported; counsel for journalist accused by private corporation of criminal contempt of the Federal Court of Australia. Prosecution discontinued before final hearing.

[CDPP v Alkaloids of Australia Pty Ltd \[2022\] FCA 1424](#); counsel for corporation accused of cartel conduct offences pursuant to *Competition and Consumer Act 2010* (Cth).

[State of New South Wales v Hickey \(Preliminary\) \[2022\] NSWSC 1498](#); lead counsel with junior, resisted the imposition of supervision orders pursuant to the *Terrorism (High Risk Offenders) Act 2017* (NSW).

[DS v R; DM v R \[2022\] NSWCCA 156](#); junior counsel, successful appeal against the severity of a sentence imposed for murder.

Police v Langker [2022] NSWLC, unreported, successfully defended journalist against criminal allegations made by the Deputy Premier of NSW.

[AB v R \[2022\] NSWCCA 104](#), lead counsel with junior, successful appeal against conviction for serious criminal offences.

[Farah v Sandilands \[2021\] ACAT 92](#); unlawful vilification; successful resisted summary dismissal on jurisdictional grounds.

[Commissioner of Police v Bassi \[2020\] NSWSC 710](#) – Black Lives Matter protest litigation.

[State of New South Wales v Dickson \(Final\) \[2020\] NSWSC 100](#); resisted the imposition of supervision orders pursuant to the *Terrorism (High Risk Offenders) Act 2017* (NSW).

R v Carter and Anor, 2019, unreported; alleged multimillion dollar fraud by CEO; forced discontinuance by prosecutor at pre-trial hearing.

[Orr v LakeCoal Pty Ltd \(In Liquidation\) \(No. 2\) \[2019\] NSWDC 360](#); junior counsel, prosecuted mining company for breaches of Work, Health and Safety legislation.

R v Scorrige, 2018, unreported; acquittal after complex jury trial of sexual assault allegations.

R v Hawchar, 2018, unreported; successfully applied for bail on proceed of crime charges laid after money-laundering probe by the Australian Federal Police, NSW Police, ASIO and the NSW Crime Commission.

[Orr v Cudal Lime Products Pty Ltd \[2018\] NSWDC 27](#); acted for prosecutor in first successful prosecution of a Category 1 Work, Health and Safety offence.

Department of Planning v Wong, 2018, unreported; acted for Company Director charged with offences; matters withdrawn prior to hearing after negotiations.

R v Hill, 2016, unreported; secured acquittal of charges of perverting the course of justice and perjury against police officer client after lengthy jury trial.

Operation Credo-Spicer, 2014; acted for client questioned before ICAC enquiry into political party fundraising; No adverse findings made.

[*Khamis v Regina \(2010\) 203 A Crim R 121; NSWCCA 179*](#); junior counsel in leading case on the application of the rule in *Browne v Dunn* in criminal matters.

[*JTS Property & Investments No 1 Pty Ltd \(In Liq\) v Sadri \[2010\] NSWSC 1384*](#) successfully recovered sum paid to defendant in uncommercial transaction on behalf of liquidator.

Since 2010, appeared at State and Federal Crime Commissions and similar bodies on behalf of witnesses.

SELECTED ADVICE

2023 – Advised an overseas corporation on potential criminal and civil penalty liability related to civil proceedings in Victorian Supreme Court.

2022 – Advised an Australian Bank about criminal liability and reporting obligations arising out of employee misconduct.

2022 – Advised a multinational corporation about prospects of criminal charges, risk, and managing relationships with investigating agencies.

Since 2018, regularly advise NSW Government Agencies on prospects of convictions in regulatory and criminal matters as well as the extent of their investigatory powers.

SELECTED PROFESSIONAL ACTIVITIES

President of Defence Lawyers NSW since 2020

Member of Bar Association Criminal Law Committee since 2022

Published '*Corporate Criminal Law, A Primer*,' 2019 (available on request)

Published Australian law podcast, '*The Wigs*,' since 2019

Published '*Crisis in legal aid*' [2018] NSWBarAssocNews 57

Member of Bar Association Committee on Legal Aid 2017 - 2021

Published '*Kirk v Workcover and specialisation in the law*' (2010) 1 WR 52