



Emmanuel Kerkyasharian

+612 9390 7777
esk@forbeschambers.com.au

ADMISSIONS & QUALIFICATIONS

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

SELECTED CASES

[*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)*

[*State of New South Wales v Barrie \(Second Final\) \[2019\] NSWSC 1161*](#); resisted the imposition of continuing detention orders pursuant to the *Crimes (High Risk Offenders) Act (2006) (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*](#); prosecuted mining company for breaches of Work, Health and Safety legislation

R v Scoringe, 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Department of Planning v Wong, 2018, unreported; acted for Company Director charged with Mining Act offences; matters withdrawn prior to hearing after negotiations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*](#); 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, provided advices to Government Departments on the extent of their investigatory powers.

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

**SELECTED
PROFESSIONAL
ACTIVITES**

President of Defence Lawyers NSW since 2020

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 since 2017

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