

JENNIFER SINGLE SC
12 WENTWORTH SELBORNE CHAMBERS

Admissions

Senior Counsel: 2019
Barrister: 2005
Solicitor (NSW and High Court): 2000

Qualifications

LLB (Hons I), University of Sydney, 2000
BA (Sociology) (Hons II), University of Sydney, 1998

Areas of Practice

National Security, terrorism and espionage law
Commissions and Inquiries
Criminal law with a focus on Commonwealth crime
Environmental law

Security Clearance

I have been granted Australian Government Negative Vetting Level 2 security clearance

Professional experience at the Bar

Coroner's Court – Inquests and Inquiries

I have been briefed by NSW Crown Solicitors Office as counsel assisting including:

- the inquest into the death of Yunian Chen;
- the inquest into the death of Peter Allen and
- the inquest into the death of Faithe Baxter.

I am briefed by the Australian Government Solicitor representing, the Australian Defence Force as well as other Commonwealth agencies, in the Inquest into the death of Ian Turner

I was briefed by the NSW Department of Planning, Infrastructure and Energy to advise and, as necessary appear for the NSW National Parks and Wildlife Service in the coronial inquests and inquiries relating to the 2019-2020 NSW Bushfire season.

Public Inquiry into the Charitable Fundraising Act 1991

I was junior counsel assisting in the Public Inquiry pursuant to the *Charitable Fundraising Act* which is more commonly known as the “RSL Inquiry”. I was led by senior counsel assisting Anthony Cheshire SC and assisted the Public Inquirer Patricia Bergin SC. I appeared with Michelle Rabsch.

Special Commissions

INSLM: In 2018 together with Christopher Tran I was counsel assisting Dr James Renwick, the Independent National Security Legislation Monitor, in his review into the trial and punishment of children for terrorism offences.

Special Commission of Inquiry into matters relating to the police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle. I appeared for the Catholic Diocese of Maitland-Newcastle. I was led by Lachlan Giles SC.

National Heavy Vehicle Regulator

Prosecution and related sentence proceedings of *Connect Logistics Pty Ltd; Matthews, Large and Chalmers* arising out of a truck accident in Victoria which resulted in the death of four police officers (2022 and ongoing). Connect Logistics Pty Ltd in a sentence delivered in November 2023 received a fine of \$2.2 million being the largest ever fine for a Category 1 offence under the National Heavy Vehicle Law.

Australian Government Solicitor

I have been briefed to appear in a number of diverse applications including:

- Sentence proceedings for contempt of ACIC – *Lusty v CVA22* [2023] FCA 130; *Sage v CFT22* [2022] FCA 1028; *DTO21 v Australian Crime Commission* [2022] FCAFC 190.
- Advised and appeared for various Commonwealth agencies in trials in relation to public interest immunity claims and protecting national interests.
- Appearing in *Ben Roberts Smith v Fairfax Media Publications & Ors* and related proceedings – protecting the interests of the Commonwealth and I am briefed to appear in the appeal proceedings in February 2024.
- Briefed to appear to protect the interests of the Commonwealth in the prosecution of Oliver Schulz for alleged war crimes – ongoing.
- Advising in relation to potential applications for a post sentence order under Division 105A of the Schedule to the *Criminal Code Act 1995* (Cth) including appearing in *Attorney General of the Commonwealth of Australia v Uweinat* NSWSC (2023).
- I have appeared in matters in the security division of the Administrative Appeals Tribunal.

NSW Crown Solicitor

In addition to the inquests listed above I have been briefed by the NSW Crown Solicitor in to advise an appear in a number of other diverse areas including:

I am briefed in matters in the Land and Environment Court for the prosecution of and sentence proceedings arising out of breaches and alleged breaches of the *Water Management Act 2000*:

- *Grant Barnes, Chief Regulatory Officer, Natural Resources Access Regulator v David Littore* – notice of motion regarding limitation act defences,
- *Grant Barnes, Chief Regulatory Officer, Natural Resources Access Regulator v David Littore; Jundalee Road Wines Pty Ltd* – sentence proceedings (listed November 2023)

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I am briefed to advise in relation to applications pursuant to the *Terrorism (High Risk Offenders) Act 2017* (NSW) including :

- *State of New South Wales v Elmir* [2023] NSWSC 1101
- *State of New South Wales v Fayad (Preliminary)* [2023] NSWSC 115
- *State of New South Wales v XX* [2022] NSWSC 1583
- *State of New South Wales v Fayad (Variation of Conditions)* [2021] NSWSC 600 before Wright J;
- *State of New South Wales v Hickey (Preliminary)* [2022] NSWSC 1498.

I have advised and appeared in a number of applications under the *Crimes (High Risk Offenders) Act 2006* (NSW) and the *Mental Health (Forensic Provisions) Act 1990* (NSW). In addition to a number of advices which are not listed as they did not proceed to an application, I have appeared in the following matters in the Supreme Court:

- *Attorney General of NSW v HRM* [2016] NSWSC 1189 before Campbell J;
- *State of NSW v Burchell* [2017] NSWSC 712 before Adamson J;
- *State of NSW v Amacha (Final)* [2017] NSWSC 799 before N Adams J;
- *Attorney General of NSW v Kapeen* [2017] NSWSC 685 before Beech-Jones J;
- *Attorney General of NSW v McGuire* [2018] NSWSC 1795 before Button J;
- *Attorney General of NSW v McGuire* [2019] NSWSC 76 before Wright J;
- *State of NSW v Carter* [2019] NSWSC 236 before Ierace J;
- *Attorney General of NSW v Wong* [2019] NSWSC, Walton J – did not proceed to judgment;
- *State of NSW v WT* [2019] NSWSC 812 before Davies J;
- *State of NSW v Carney* [2019] NSWSC 622 before Garling J.

I appeared in the matter of the *Attorney General of NSW v X* in the NSWCCA an application pursuant to s 100 of the *Crimes (Appeal and Review) Act 2001* seeking the retrial of an acquitted person for what are known as the “Bowraville Murders”. I was led by Wendy Abraham QC and appeared with Jocelyn Williams. Further, an application under section 100 of the *Crimes (Appeal and Review) Act 2001* to quash the acquittals of the Defendant in relation to charges of murder of Clinton Speedy and Evelyn Greenup to enable a retrial of those counts jointly on an indictment with the murder of Colleen Walker. The application was dismissed (*Attorney General for New South Wales v XX* [2018] NSWCCA 198).

I have also been briefed by the NSW Crown Solicitor to advise and appear in relation to a variety of matters. These include an application seeking authorisation to carry out a non-intimate forensic procedure; an application for a permanent stay arising out of an investigation by the Police Integrity Commission; application for parole before the NSW State Parole Authority; advising in relation to potential prosecutions under the *Fisheries Management Act* and potential native title defences that might arise and numerous matters involving the Mental Health Review Tribunal.

Environment Protection Authority

I have been appointed as Environmental Counsel to the Board of the NSW Environment Protection Authority by the NSW Minister for Environment and Heritage.

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I have been briefed to advise and appear in:

- *ACE Demolition & Excavation Pty Ltd v EPA* – NSWCCA – sentence appeal – November 2023;
- *EPA v Wollondilly Abattoirs Pty Limited and Davis* [2019] NSWLEC 26; [2019] NSWLEC 79 before Pain J;
- *EPA v GrainCorp Operations Limited* [2019] NSWLEC 143 before Pepper J;
- *EPA v Crown in the Right of NSW (Office of Environment and Heritage)* [2019] NSWLEC 66 before Pepper J;
- *EPA v Maules Creek Coal Pty Ltd* (2021-2022I); and
- *EPA v Forestry Corporation of NSW* (2022).

Department of Planning and Environment

I have been briefed by the Department of Planning and Environment to advise and appear in:

- *Hongzhi Sun v Grant Barnes, Department of Industry* [2018] NSWLEC 196; [2018] NSWLEC 203 on appeal from a decision of the Local Court before Moore J *Secretary, Department of Planning and Environment v Leda Manorstead Pty Ltd* various judgments leading up to (*No 7*) [2021] NSWLEC 26 before Pepper J;
- *OEH v Beefwood/Kurstjens* following a plea listed for sentence hearing 2024; and
- Prosecution of Balmoral Farms Pty Ltd & Ors in relation to clearing of native vegetation - ongoing

Commonwealth Director of Public Prosecutions

I am regularly briefed by the CDPP and have conducted a substantial number of prosecutions and sentences.

Court of Criminal Appeal:

- *Huynh v R* [2015] NSWCCA 167 – sentence appeal before Simpson J; Davies J and Hamill J;
- *Zaky v R* [2017] NSWCCA 141 – sentence appeal before Hoeben CJ at CL; Garling J and Bellew J;
- *Lee v R* [2017] NSWCCA 156 – sentence appeal before Hoeben CJ at CL; R A Hulme J and Wilson J;
- *Singh v R* [2018] NSWCCA 60 – sentence appeal before Payne JA, Johnson J and Campbell J;
- *Sintat v R* [2018] NSWCCA 165 – sentence appeal before Hoeben CJ at CL; Price J and Davies J ;
- *Nader v R* [2018] NSWCCA 256 – conviction and sentence appeal before Hoeben CJ at CL; Davies J and Button J;
- *R v Lembke* [2020] NSWCCA 293 – conviction and sentence appeal before McCallum JA, Garling J and Wright J;
- *CDPP v Saadieh* [2021] NSWCCA 232 – detention application before Bathurst CJ; Beech-Jones CJ at CL and Adamson J;
- *Abouhaidar v R* [2022] NSWCCA 57 – conviction appeal before Leeming JA; Rothman J; Harrison J; and
- *Totaan v R* [2022] NSWCCA 75 – sentence appeal before Bell CJ; Gleeson JA; Harrison J; Adamson J and Dhanji J.

Espionage and Foreign interference:

- *R v Alexander Csergo* – charged with an offence of reckless foreign interference - ongoing
- *R v Choi* (No 10) [2021] NSWSC 891 and others – prosecution and sentence for providing sanctioned services to North Korean entities contrary to the *Charter of the United Nations Act 1945* (Cth) and the *Autonomous Sanctions Act 2011* (Cth);

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Terrorism trials:

- *R v Samad* ongoing;
- *R v Azari* (2017) Supreme Court, N Adams J - doing an act in preparation for, or planning of a terrorist act; knowingly making funds available to a terrorist organization and conspiracy to commit murder. Led by Peter Neil SC;
- *R v Al-Talebi* trial in 2016 and sentence 14 August 2017, District Court, Sutherland SC DCJ - knowingly making funds available to a terrorist organization. Led by Peter Neil SC; and
- *R v Alqudsi* [2015] NSWCA 351; [2015] NSWSC 1615; [2015] NSWSC 1783, Adamson J - offences under the *Crimes (Foreign Incursions and Recruitment) Act 1978*. Led by David Staehli SC. I also appeared as junior counsel to Mr Staehli SC in the application for Special Leave to Appeal to the High Court made by Mr Alqudsi on 12 February 2016. Special leave was refused.

Corporations and Tax trials

- *R v Citigroup Global Markets Australia Pty Limited & Ors* cartel prosecution in Federal Court of Australia;
- *Gould v R* [2021] NSWCCA 92, *R v Gould* (2019) NSWDC, Wilson DCJ – attempting to pervert the course of justice in a trial in the Federal Court of NSW concerning tax assessments. I led Michelle Rabsch and Talia Epstein;
- *R v Fysh* (2012) Supreme Court, McCallum J - insider trading offences. Led by David Staehli SC;
- Project Wickenby and Operation Starlifter tax fraud investigations including *R v Michael Calleija* (led by David Staehli SC), *R v Bennett and Pritchard* and *R v Mereb and Younan* (led by Greg Farmer SC); and
- *R v Rundle* (2012) NSWDC, Bozic DCJ and [2013] NSWCCA 200 - former chief financial officer of the Westpoint Group in relation to false and misleading statements. Led by Trish McDonald SC.

Modern Slavery and forced labour

- *R v Abid Shah and Aiesha Shah* – advice given to withdraw proceedings;
- *R v McAleer* (2021) NSWDC – prosecution and sentence for engaging in conduct causing another person to enter into or remain in forced labour and harbouring an unlawful non citizen;
- *R v Liw* (2021) NSWDC – prosecution and sentence for forced labour offences; and
- *R v Shah*; *R v Shah* (2022 and ongoing) prosecution for forced labour offences.

Drug importations

- *R v X7* (2013-2015) NSWDC and *X7 v R* [2014] NSWCCA 273 - the prosecution and sentence of X7 and his co-offender Mr Litvin, for conspiracy to import commercial quantities of border controlled drugs. Led by Chris O'Donnell SC;
- *R v Clermont, Horobjowsky and Otero* (2014) NSW District Court, Garling DCJ - importation of commercial quantities of border controlled drugs and money laundering. Led by Chris O'Donnell SC;
- Prosecutions and sentences, unled, for the importation and/or possession of various border controlled substances pursuant to the *Criminal Code* including *R v Chui* (2015 and 2016), trial and sentence; *R v McMenemy* (2016), trial and sentence; and *R v Penese* (2019).

Other

- *R v Department of Defence* NT Local Court – prosecution and sentence for breaches of *Work Health and Safety Act (Cth)* arising out of the death of Pvt Challis (2021);
- *R v Passmore* (2021) NSWCCA and (2021) NSWDC – interlocutory appeal; prosecution and sentence for use of a carriage service to transmit indecent communication to person under 16 years of age;

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- *R v Hansen* (2021) NSWDC – sentence arising out of child pornography charges;
- *R v Salim Mehajer* - in relation to his Commonwealth offences – bail applications and appeal;
- *R v Sarah Jane Rogers* – NSW Local Court, Magistrate Atkinson, 29 July 2019 – offences arising out of examination by the Law Enforcement Integrity Commissioner;
- Prosecution of 13 accused and subsequent sentences of some offenders arising out of the riots which occurred at Villawood Detention Centre on 20 April 2011 - (2012-2013) NSW Supreme Court before R A Hulme J. Led by Greg Farmer SC (as he then was);
- Prosecutions for Centrelink fraud in the NSW District Court - *R v Manerva Zaky* (2014), trial and sentence; *R v Haley* (2015 and 2016), disputed facts sentence and *R v Ezat Zaky* (2017), sentence.

I have also been briefed by the CDPP as junior counsel to Wendy Abraham QC (now the Honourable Justice Abraham) to provide advice in a number of matters involving issues of national security. These have involved interpretations of offences which have rarely or have never been previously charged and the analysis of the elements against highly sensitive factual scenarios.

Defence work

I have been briefed by Baker & McKenzie, King & Wood Mallesons and by Norton Rose to provide advice in relation to individuals who have been potentially facing criminal charges as to how to act and what to expect. This advice has related to potential white collar crime offences. None of these individuals have yet been charged.

I was briefed by Clifford Chance to act for an individual charged with a number of offences relating to breaches of the *Corporations Act* and the *Criminal Code*. This matter was prosecuted in 2017 resulting in a hung jury. I was led by Tim Game SC. The matter was retried in 2018 however the jury could not reach a unanimous verdict in relation to any of the charges.

Australian Securities and Investments Commission

I have been briefed by ASIC in a number of large and significant proceedings including:

- I have been advising ASIC in relation to a number of investigations arising out of the Banking Royal Commission (2020-2021);
- *ASIC v Hochtief AG*, briefed by ASIC led by Sarah Pritchard SC in the Federal Court. Civil penalty proceedings for insider trading;
- *ASIC v PJC International Ltd & Ors*, briefed by ASIC led by John Halley SC in Supreme Court civil penalty proceedings concerning a number of illegal managed investment schemes;
- *ASIC v Macdonald & Ors (No 11)* [2009] NSWSC 287, *Morley & Ors v Australian Securities and Investments Commission* [2010] NSWCA 331 appeared for ASIC led by Tony Bannon SC and Robert Beech-Jones SC in the “James Hardie” civil penalty proceedings and in the appeal proceedings in the NSW Court of Appeal;
- *ASIC v Citigroup Global Markets Australia Pty Ltd* [2007] FCA 963, 393, 121, appeared for ASIC led by Bret Walker SC, James Stevenson SC and Nye Perram SC. Claims regarding an allegation of a failure to adequately manage conflicts of interest and insider trading; and

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Professional experience as a solicitor

I spent time, intermittently at Mallesons Stephen Jaques between December 1998 (commencing my summer clerkship) and January 2002. Between February 2003 and September 2005 (prior to coming to the Bar) I was a solicitor at Henry Davis York.

High Court of Australia and Supreme Court of NSW

In 2000 I was the tipstaff to the Hon Justice Santow in the Supreme Court of NSW Equity Division.

In 2002 I was Associate to the Hon Justice Gaudron in the High Court of Australia.

Both of these positions involved providing assistance to their Honours both in Court and in chambers and included the preparation of case assessments which involved the assessment of evidence and submissions.

Positions Held

Assistant Editor of Australian Law Journal, 2006, 2007, 2008

Member of the NSW Bar Association New Barristers Committee, 2006, 2007, 2008

Member of the NSW Bar Association Equal Opportunity Committee, 2010, 2011, 2012

Member of the NSW Bar Association Professional Conduct Committee 1, 2018 to present

Founding member of the Australian chapter of the Women's White Collar Crime Defence Association.

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