

**JAMES EMMETT SC**  
Barrister

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ADMISSIONS	2020 Senior Counsel 2006 Barrister 2005 Legal practitioner
QUALIFICATIONS	LLB, University of New South Wales MA, Cantab
CURRENT PROFESSIONAL ROLES	NSW Bar Council, 2024 to present NSW Bar Association Professional Conduct Committee, 2016 to present (including as Chair of the Committee since 2024)
AREAS OF PRACTICE	Appellate Commercial law Corporations law Insurance Law enforcement and criminal justice Maritime and aviation law Regulatory Public and administrative law
PREVIOUS OCCUPATIONS	Solicitor, Mallesons Stephen Jacques (now King & Wood Mallesons) Associate to Chief Justice Gleeson, the High Court of Australia
ACADEMIC	University of New South Wales Law School Adjunct Associate Professor, 2018 to 2021 Adjunct Senior Lecturer (lecturing in <i>Statutory Interpretation and Conflict of Laws</i> ), 2015 to 2018 Visiting Fellow (lecturing in <i>Statutory Interpretation and Conflict of Laws</i> ), 2010 to 2014 Lecturer (lecturing in <i>Statutory Interpretation</i> since 2007 and <i>Conflict of Laws</i> since 2008), 2007 to 2009 Lecturer, University of Sydney (lecturing in <i>Equity</i> ), 2006 Member of Advisory Board, La Trobe University Centre for Legislation, 2016 Member of Advisory Committee on Statutory Interpretation to the Council of Australian Law Deans, 2015

James has appeared in many trials and appeals in the NSW Supreme Court, Court of Appeal and Federal Court of Australia, particularly in the fields of commercial law, transport (maritime and aviation), regulatory matters, and public and administrative law (including matters involving law enforcement and the criminal justice system, such as high risk offenders, prison regulation, parole and criminal appeals). He has also appeared in inquests and inquiries, and in Supreme Court litigation in relation to inquests and inquiries.

James is ranked in Doyles Guide in 2025 as a leading Senior Counsel in Australia in administrative and public law, and recommended Senior Counsel in Australia in transport law. He is recognised as a recommended global and national leader in Transport – Shipping in Who’s Who Legal 2025.

## CASES

Cases in which James has appeared in the last five years include:

### *Public and administrative law*

*Denman Aberdeen Muswellbrook Scone Healthy Environment Group Inc v Mach Energy Australia* [2025] NSWCA 163 (for the respondent)

*Ashton v State of NSW* [2025] NSWIRComm 1028 (for the State of NSW)

*Simon v Industrial Relations Secretary* [2025] NSWIRComm 1027; [2025] NSWCA 199 (for the Industrial Relations Secretary)

*Re Application by Hamzy pursuant to s 78 of Crimes (Appeal and Review) Act 2001* [2025] NSWSC 650 (for the Crown)

*Communications Electrical Electronic Energy Information Postal Plumbing and Allied Services Union of Australia v Sydney Trains* [2025] FCAFC 39 (for the NSW Ministers)

*State of NSW v Liddington (Preliminary)* [2025] NSWSC 20; *State of NSW v Liddington (Final)* [2025] NSWSC 417 (for the State of NSW)

*State of NSW v Hamze (Final)*, 31 March 2025; *State of NSW v Hamze (Final)* [2025] NSWSC 6 (for the State of NSW)

*Combined Rail Unions v Sydney Trains*, litigation in the Fair Work Commission Dec 2024 to March 2025 (for the NSW Ministers)

*Tsolis v Health Care Complaints Commission* [2024] NSWCA 284 (for the respondent)

*Tsirekas v Independent Commission Against Corruption* [2024] NSWSC 1514 (for the respondent)

*Commissioner of Corrective Services v Hamzy* [2024] NSWCA 240; *Hamzy v Commissioner of Corrective Services* [2024] NSWSC 1090 (for the Commissioner)

*State of NSW v Calhoun (Preliminary)* [2024] NSWSC 1311 (for the State of NSW)

*Laxale v Sydney Local Health District* [2024] NSWSC 994 (for the plaintiff)

*Moriarty v Nye* [2024] NSWCCA 116 (for the prosecutor)

*Commissioner of Police v Attorney General for NSW* [2024] NSWCA 150 (for the Attorney)

*Dungog Shire Council v Attorney General for New South Wales* [2024] FCA 166 (for the Attorney)

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*Hamzy v Commissioner of Corrective Services NSW* [2024] NSWSC 264 (for the Commissioner)

*Wilson v SAS Trustee Corporation* [2024] NSWCA 53 (for the respondent)

*Christian Community Ministries Ltd v Minister for Education and Early Learning* [2024] NSWCA 1 (for the Minister)

*Department of Education v Trad* [2023] NSWCCA 329 (for the prosecutor)

*Attorney General (Commonwealth) v Amin* [2023] NSWSC 1586 (for the Attorney)

*Chan v Commonwealth of Australia* [2023] FCA 1458; see also [2023] FCAC 1538 (for the Commonwealth)

*Environment Council of Central Queensland Inc v Minister for Environment and Water (No 2)* [2023] FCA 1208; and see [2023] FCA 1117 and [2023] FCA 1532 (for the second respondent)

*Dimos v Gordian Runoff* [2023] NSWSC 1151 (for the Personal Injury Commission)

*Commissioner of Police v Walker* [2023] NSWSC 539 (for the Commissioner)

*State of NSW v Coe (Final)* [2023] NSWSC 1142; and see [2023] NSWSC 644 (for the State of NSW)

*Commissioner of Police v Alahmad* [2023] NSWSC 762 (for the Commissioner)

*State of NSW v Richardson* [2023] NSWSC 1048 (for the State of NSW)

*Commissioner of Police v Ritson* [2023] NSWSC 854 (for the Commissioner)

*Star Training Academy v Commissioner of Police (NSW)* [2023] NSWSC 153 (for the Commissioner)

*Prothonotary of the Supreme Court of NSW v Whit* [2023] NSWSC 264 (for the Prothonotary)

*Wipro v State of NSW* (2022) 110 NSWLR 520; [2022] NSWCA 265 (for the State of NSW)

*Darkinjung Local Aboriginal Land Council v Minister Administering Crown Land Management Act* (2022) 110 NSWLR 535; [2022] NSWCA 275 (for the Minister)

*State of NSW v Kaiser* (2022) 108 NSWLR 476; [2022] NSWCA 86 (for the State of NSW)

*Australian National Imams Council v Australian Communications and Media Authority* (2022) 404 ALR 323; [2022] FCA 913 (for the respondent)

*Health Care Complaints Commission v Robinson* [2022] NSWCA 164 (for the appellant)

*Commissioner of Police v Attorney General for NSW* [2022] NSWSC 595 (for the Commissioner)

*State of NSW v Gavin* [2022] NSWSC 84 (for the State of NSW)

*NSW Electoral Commissioner v Kempsey Shire Council (No 2)* [2022] NSWSC 282; and see *(No 1)* [2022] NSWSC 164 and *(No 3)* [2022] NSWSC 409 (for the Commissioner)

*Hamzy v Commissioner of Corrective Services* (2022) 107 NSWLR 544; [2022] NSWCA 16; and at first instance, [2020] NSWSC 414 (for the Commissioner)

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*Alexakis v Health Care Complaints Commission* [2021] NSWCA 217 (for the respondent)

*Booth (Australian Federal Police) v Abdirahman-Khalif* [2021] FCA 1651 (for the applicant)

*Hardy v State of NSW* [2021] NSWCA 338; and at first instance, *State of NSW v Hardy (Final)* [2021] NSWSC 915 (for the State of NSW)

*Rahman v Health Care Complaints Commission* [2021] NSWCA 247; *Rahman v Health Care Complaints Commission* [2021] NSWCA 127 (for the respondent)

*State of NSW v Fayad (Final)* [2021] NSWSC 294; and see [2021] NSWSC 600 (for the State of NSW)

*State of NSW v Elomar (Final)* [2021] NSWSC 411; and see [2020] NSWSC 1850 (for the State of NSW)

*State of NSW v Kiskonen (Preliminary)* [2021] NSWSC 915 (for the State of NSW)

*Telstra Corporation v Attorney General (NSW)* [2021] NSWSC 1521 (for the Attorney)

*AA v Commissioner of Corrective Services* [2020] NSWSC 1669 (for the Commissioner)

*Children's Guardian v CF1* [2020] NSWSC 1673 (for the Children's Guardian)

*Churchill v University of Sydney* [2020] NSWSC 1343; and *(No 2)* [2020] NSWSC 1808 (for the defendant)

*DRJ v Commissioner of Victims Rights (No 2)* (2020) 103 NSWLR 692; [2020] NSWCA 242; and see [2020] NSWCA 136 (for the Commissioner)

*Mohareb v Palmer* [2020] NSWCA 323; and *(No 2)* [2020] NSWCA 324 (for the respondent)

*R v Al Batat (No 27)*; *NSW Commissioner of Police v Al Batat* [2020] NSWSC 1399; *R v Al Batat (No 1)* [2020] NSWSC 967 (for the Commissioner)

*State of NSW v Lynn* [2020] NSWSC 1584 (for the State of NSW)

*Secretary, NSW Ministry of Health v W* (2020) 102 NSWLR 969; [2020] NSWCA 212 (for the Secretary)

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*General commercial / transport / corporations*

*Yowie Group v Keybridge Capital* [2025] NSWCA 142; *Yowie Group and Bolton v Keybridge Capital (No 2)* [2025] NSWCA 167; *Yowie Group and Bolton v Keybridge Capital (No 3)* [2025] NSWCA 168 (for the respondent)

*Re Yowie Group* [2025] NSWSC 648 (for the plaintiff)

*Bolton v WAM Active (No 2)* [2025] NSWCA 99; *Bolton v WAM Active* [2025] NSWCA 81 (for the respondent)

*Re Keybridge Capital* [2025] NSWSC 240; *Re Keybridge Capital* [2025] NSWSC 8 (for the plaintiff)

*Nick Scali v Global Forwarding* [2024] FCA 1247 (for the respondent)

*Wiseway Logistics Pty Ltd v Secretary, Department of Home Affairs* [2024] FCA 427; and see [2024] FCA 95 (for the Secretary)

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*Chief Commissioner of State Revenue v Godolphin Australia* [2024] HCA 20 (for the respondent)

*Poralu Marine Australia v MV Dijkgracht* [2023] FCAFC 147; and at first instance [2022] FCA 1038 (respondent)

*Walker Corporation v Owners – Strata Plan No 61618* [2023] NSWCA 125; and at first instance [2022] NSWSC 1246 (for the respondent)

*Chief Commissioner of State Revenue v Godolphin Australia* [2023] NSWCA 44; and at first instance *Godolphin Australia v Chief Commissioner of State Revenue v Godolphin* [2022] NSWSC 430 (for the respondent/defendant)

*Brontes Security v Lihir Chief* [2023] FCA 388; and see [2023] FCA 515 (for the respondent)

*Tannous Holdings v IVE Group Australia* [2023] NSWSC 158 (for the plaintiff)

*Saridas v Papuan Oil Search (No 3)* [2022] NSWSC 1515 (for the plaintiff)

*Maersk A/S v Patti* [2022] FCA 663 (for the respondent)

*Owners – Strata Plan No 74232 v Tezel* [2023] NSWCA 35 (for the respondent)

*Altis PropCo2 v Majors Bay Development* [2022] NSWSC 403 (for the plaintiff)

*Mehajer v SC Lowy Primary Investments* [2022] NSWSC 689 (for the defendant)

*Wyzenbeek v Australasian Marine Imports (No 4)* [2022] FCA 201 (for the active cross respondent)

*Re Lorebray* [2021] NSWSC 1135; and [2021] NSWSC 1712 (for the second defendant)

*Bartier Perry v Paltos* [2021] NSWCA 158; and at first instance *Paltos v Bartier Perry* [2020] NSWSC 705 (for the appellant/defendant)

*White v Data Transfer Services* [2021] NSWSC 1112 (for the plaintiff)

*Byrnes v Majak* [2020] NSWSC 906 (for the defendants/applicants)

*Re DSG Holdings Australia* [2020] NSWSC 644 (for the defendants/applicants)