

VICTORIAN BAR COUNCIL ELECTION 2021

'PUTTING MEMBERS FIRST'

VOTING GUIDE

WHO WE ARE

- ▶ Many of us are part of the current Bar Council who implemented the 'change' that was promised in 2020. Some of us are new faces who have been heartened by the change we have seen so far. All of us are committed to keeping the change and building on it in 2022 by putting members first.
- ▶ We are a group of barristers committed to ensuring the Bar remains a member-led professional association that gives a voice to all members, not an elite few. We are men and women of differing levels of seniority, both silk and non-silk, from a range of practice areas, clerks, and chambers.
- ▶ We share certain core values: that the Bar is run by members, for all members, ensuring the costs of Bar membership are low, the need for transparency and scrutiny of expenditure, the importance of fostering collegiality at the Bar, and as we recover from the pandemic, supporting the re-opening of the courts for a return to face-to-face hearings as soon as possible.

OUR TEAM

Category A

Peter CHADWICK QC
Mark ROBINS QC
Róisín ANNESLEY QC
Robert HAY QC
Chris O'GRADY QC
Paul HAYES QC
Marylyn SMALLWOOD SC
Charles SHAW QC
Darryl BURNETT
Dr Michelle SHARPE
Maria PILIPASIDIS

Category B

Ben MURPHY
Robyn SWEET
Amy WOOD
Rodrigo PINTOS-LOPEZ
Robin SMITH
Nawaar HASSAN

Category C

Owen WOLAHAN
Nicholas PHILLPOTT
Andrea SKINNER
Lana COLLARIS

HOW TO VOTE

- ▶ In order to vote in the Bar Council election, you must be a financial member of the Bar.
- ▶ Look out for an email from the Victorian Bar for details about the voting process.
- ▶ Voting is open from 9am, Wednesday, 27 October 2021. Members will receive a link to vote in an email from Vero Voting around this time.

THE CHANGE ACHIEVED SO FAR

Restructure of Bar Office

- ▶ Abolished the positions of CEO and the Manager of the Office of the CEO, thus reorienting the structure of the Bar Office to prioritise and serve the needs of a member-based professional association of sole traders, and to halt the march towards corporatisation.
- ▶ Reduced Bar Office staff expenses by 30% since November 2020.

Reduction in subscriptions and granting of rebates

- ▶ Reduced subscriptions for most members to a level lower than what was charged prior to the pandemic (see table with examples below).

	2019-20		2021-22	
Income Level	Senior Counsel	Junior Counsel	Senior Counsel	Junior Counsel
\$125,000 to \$150,000	\$2,927.40	\$1,517.90	\$2,049.20	\$1,062.55
\$150,000 to \$200,000	\$2,927.40	\$1,951.60	\$2,049.20	\$1,366.10
\$200,000 to \$250,000	\$2,927.40	\$2,385.25	\$2,049.20	\$1,669.70
\$250,000 to \$300,000	\$2,927.40	\$2,819.00	\$2,341.90	\$2,255.20
\$300,000 to \$400,000	\$4,120.00	\$3,198.40	\$3,296.00	\$2,558.70

- ▶ Granted a fee rebate of \$250 to all members on their 2020-21 subscription.
- ▶ Granted an additional fee rebate of \$150 to members practising predominantly in criminal law on their 2020-21 subscription.
- ▶ Granted waivers and deferrals of subscription payments to a number of members due to financial hardship caused by the pandemic.
- ▶ Granted a fee rebate of \$1,000 to each member of the March 2020 Reader's Course in light of the need for part of the course to be held online due to the pandemic (so that there was parity with subsequent Readers' Courses conducted during the pandemic).

Transparency

- ▶ Provided greater transparency to members by disclosing information about Bar expenditure and publishing the Bar Council minutes on the Bar's website.

Readers' Course

- ▶ Reversed the endorsement of the Nous Report to ensure the syllabus and teaching of the Readers' Course remained in the hands of barristers.

Essoign Club

- ▶ Guaranteed the future of the Essoign Club by entering into a new long-term lease with BCL for the Club's premises.

Re-opening of the Courts

- ▶ Established a Return-to-Work Working Group, with representatives from all Bar Associations, which successfully lobbied many heads of jurisdiction to return to face-to-face hearings in early- to mid-2021 until lockdown restrictions were reimposed following the arrival of the Delta strain of COVID-19.

Access to child-care for barristers

- ▶ Persistently lobbied the Victorian Department of Health and Department of Justice and Community Safety on the issue of child-minding restrictions for authorised workers and kept members apprised of the details of such lobbying.

Messaging to members

- ▶ Kept members apprised of changes to the Chief Health Officer's (CHO) Directions in relation to authorised workers.
- ▶ Recognised that it was not for Bar Council to dictate to members on the implementation of the CHO Directions and acknowledged that it was for each barrister to apply those directions to their specific circumstances.

Democratic vote on the Law Council of Australia

- ▶ Gave all members a voice to determine whether the Bar should remain a member of the Law Council of Australia.

Revised policies on conduct issues

- ▶ Launched the revised Code of Conduct for Barristers with updated policies in respect of workplace bullying, sexual harassment and discrimination, including establishing a system for Peer Support Barristers to assist, support, guide, and advise those who are affected by or engage in such behaviour.
- ▶ Prevented the introduction of anonymised reporting of alleged breaches of conduct policies on the grounds that it was fundamentally unfair for a subject of such a complaint not to know his or her accuser.

Health and Wellbeing

- ▶ Allocated \$3000 to the Health and Wellbeing Committee to fund the engagement of speakers for the CPD programme.
- ▶ Agreed to host the Mental Health Foundation of Australia's symposium on mental health in the legal profession, which was held on 6 October 2021.

Insurance Committee

- ▶ Reconstituted the Insurance Committee to inquire into and advise on improvements to insurance cover for barristers to address gaps in the present scheme.

Bar Dinner

- ▶ Hosted the biggest ever Bar Dinner in May 2021 with 573 attendees.

OUR CORE PRINCIPLES AND SHARED VISION FOR 2022

Core principles

We are committed to putting members first through –

- ▶ A Bar run by members, for members;
- ▶ Considered and appropriate expenditure;
- ▶ Subscription fees kept to a minimum;
- ▶ Transparency around Bar Council finances and decisions;
- ▶ Communicating with members as members, not employees;
- ▶ Ongoing advocacy and support for members;
- ▶ Keeping barrister education in the hands of barristers;
- ▶ Preserving our clerks;
- ▶ Respect for the independence of barristers as sole traders;
- ▶ Promotion of a respectful and family-friendly Bar; and
- ▶ Leading a united Bar.

Our shared vision for 2022

Return to court

- ▶ Further lobby the State and Federal Governments and heads of jurisdiction for the safe and prompt return to face-to-face hearings, especially the resumption of jury trials and contested Magistrates' Court and VCAT matters.

BCL

- ▶ Conduct a review of the operational expenses of Barristers' Chambers Limited (BCL) to identify inefficiencies and attempt to provide services to better meet the needs of members.
- ▶ Direct BCL to investigate the feasibility of rent reductions to levels comparable with commercial office rents in the Melbourne CBD.

Subscription levels

- ▶ Reduce (or, at least, maintain) the 2021-22 subscription fee levels for the 2022-23 financial year to help members whilst they recover from the financial hardship caused by the pandemic.

Greater transparency in accounting for major expenses

- ▶ Whilst recognising that accounting standards are a useful guide and set a minimum standard, ensuring that items of major expense (i.e. any expense exceeding \$10,000, or a series of related or associated expenses for essentially the same purpose exceeding this amount in an accounting period) are fairly and transparently explained in the accounts sufficient to particularise:
 - The real nature and substantive purpose of the expense;
 - How the expense was incurred or constituted; and
 - Whether any member of the Bar Council received a direct or indirect benefit from such expense, and, if so, reasonable details of any such benefit.

Consult with members regarding the JB Were investment fund

- ▶ Recognising the interest of all members in having a say as to how Bar funds are spent, engage in consultation with members as to the purpose and use of the Bar's \$6+ million investment fund.

Further "reading" period for new barristers affected by COVID

- ▶ With the assistance and support of senior members of the Bar, launch a project to provide Readers, who joined the Bar during COVID and spent most of their reading period working from home, the option to remain in, re-join, or join their Mentor's chambers, Senior Mentor's chambers, or the chambers of an alternative barrister for a further period.

Constitutional reform: mandate two non-silks in Category A

- ▶ Introduce constitutional reform to mandate that the composition of Category A of the Bar Council include two non-silks of 15 years' or more call.

Update the Bar's IT systems

- ▶ Update the Bar's IT systems with an outcome that will be affordable, functional, and positively promote and portray the Victorian Bar as the nation's leading body of independent advocates.

HOW TO SHARE IN OUR VISION

As the Victorian Bar's voting system is 'first past the post', and the surplus votes are not redistributed amongst the ticket, the best way to support us is to vote for each of the candidates below (including those you may not know personally). Please remember also that voting for other candidates not on this ticket dilutes the effect of your vote for us and what we propose to achieve for you and our colleagues.

OUR CANDIDATES

Category A (15 years+ or silk)



Peter Chadwick QC

SIGNED BAR ROLL 1981, SILK 2010, PARNELL'S

► Peter Chadwick has been a member of the Victorian Bar for over 40 years. He is an enthusiastic and dedicated barrister with the best interests of all Victorian Bar members at heart. Peter was appointed silk nearly 11 years ago practising in criminal law, and for the last 9 years Peter has been a member of the Victorian Bar Ethics Committee, serving as Chair since December 2020. Peter is re-nominating for the Bar Council to ensure that the Victorian Bar continues to be governed by barristers, for barristers in an open and inclusive manner. We have all been suffering from the impact of COVID for far too long and it is more than time for all courts to re-open in a safe manner and for barristers to return to work.



Mark Robins QC

SIGNED BAR ROLL 1990, SILK 2012, DEVER'S LIST

► Mark has been a practising barrister at the Victorian Bar for over 30 years, principally in the commercial and equity areas. He is presently Chair of the Library Committee and a member of the Insurance Committee. He is the current Chair of the CommBar Civil Procedure Section. He is a former Lawyer Member of the Surveyor's Registration Board of Victoria. He is proud to have mentored his three Readers and believes that the existence of an independent, collegiate, and vibrant Bar is the bedrock of our justice system. Mark has a passion for history and observes that one of the best ways to avoid mistakes is to actually understand the past. As such, not since the chairmanship of Sir Isaac Isaacs has the Bar needed to focus more closely on its core functions and its primary obligation to support **all** its members in their individual practices as barristers.



Róisín Annesley QC

SIGNED BAR ROLL 1998, SILK 2013, LENNON'S LIST

► Róisín is currently the Senior Vice President of the Bar and serves on the Counsel Committee. On Bar Council this year, Róisín has been instrumental in the introduction of the new Code of Professional Conduct in relation to sexual harassment, bullying, and discrimination; she has steered the negotiations of the new lease arrangements for the Essoign Club and has chaired the Subcommittee responsible for the implementation by the Bar of the recommendations of the Royal Commission into the Management of Police Informants. Róisín is the Chair of Lennon's List. Previously, Róisín has served on the Ethics Committee for 9 years, including 3 years as Chair; as well as the Professional Standards Committee as Chair and a committee member. She is the author of the Good Conduct Guide. Róisín is an experienced trial advocate particularly in common law juries and commercial law. She practises predominantly in industrial accidents, occupier's liability, historical sex abuse, and professional negligence. She holds a M.Tax (Melb) together with a B.A. LL.B (Monash). Outside the Bar, Róisín is a director of a large education provider in Victoria.



Robert Hay QC

SIGNED BAR ROLL 1992, SILK 2014, GREENS LIST

► Robert practises mainly in property law, is the co-author of leading texts concerning leasing and mortgages, and has appeared in significant property and commercial law cases. He is also an active member of the Law Institute of Victoria's Leasing Committee. Robert supports the current Bar Council's work in reining in the Bar's expenditure and its efforts to improve the transparency of the Bar's decision-making. Robert is concerned about the wellbeing of barristers and was a member of the Health and Wellbeing Committee in 2015 and 2016. He also has a strong commitment to equality of opportunity and, to that end, appeared pro bono (with Clyde Croft SC) before the Appellate Tribunal of the Anglican Church for Church members who were seeking to have women given the opportunity to be consecrated as bishops. The Tribunal decided that the Church's Constitution did not preclude the consecration of women as bishops and the Church has had several female bishops. Before becoming a lawyer, Robert was a journalist for a daily newspaper.

OUR CANDIDATES

Category A (15 years+ or silk)



Chris O'Grady QC

SIGNED BAR ROLL 1992, SILK 2015, HOLMES LIST

► Chris practises in industrial and employment law. Prior to coming to the Bar Chris worked as a junior associate to Sir Gerard Brennan in the High Court of Australia in 1990. He then worked as associate to Judge John Hassett in the County Court in 1991. He is a member of Council, St Mary's College, University of Melbourne. In 2018 he was made an honorary life member of the Industrial Relations Society of Victoria. He is currently a member of the Readers' Course Committee. Chris sees the Bar as a member

organisation. The role of its Council includes advocating for and articulating the perspective of Barristers. Its dealings should be transparent and accountable to the Bar. He believes that the Readers' Course should continue to be overseen and run by the Readers' Course Committee assisted by the goodwill and generosity of Barristers and Judges, and supported by staff of the Victorian Bar.



Paul Hayes QC

SIGNED BAR ROLL 1997, SILK 2017, DEVER'S LIST

► Paul Hayes practises in common law, commercial and equity litigation, international law and sporting disputes, in multiple curial and arbitral jurisdictions throughout Australia and abroad. In addition to his numerous appointments both within and beyond the Victorian Bar, Paul is currently Senior Vice President of CommBar. Paul is determined to ensure members of the Bar rebound and recover from the challenges of the pandemic and re-establish their practises as quickly as possible. To this end, Paul

believes that the re-opening of the courts for in-person hearings in all contested matters of substance at interlocutory, trial, and appellate levels (and especially jury trials) is a top priority and that the Bar should continue to support and assist the courts in achieving this objective as early as possible in 2022. Paul also believes in the importance of the Bar's social fabric amongst all levels of seniority being reinvigorated during the forthcoming year with the Bar Council promoting and supporting a range of member events for us all to interact, so that our renowned collegiality is once more able to come to the fore as we return to chambers following the easing of pandemic restrictions.



Marylyn Smallwood SC

SIGNED BAR ROLL 1989, SILK 2019, HOLMES LIST

► Marylyn Smallwood SC signed the Bar roll in December 1989 and practises in family law. Marylyn values an inclusive and democratic approach to decision making to achieve good governance. Marylyn considers that one principal and quite unique strength of our Bar, is the independence and diversity of each of its members, paired with collegiality. She would like to promote that strength to benefit all members of our Bar, both economically and socially. Marylyn supports accountability and transparency

as essential characteristics to ensure all Bar members have confidence in the manner in which their funds, and policies, are managed. She would be mindful of promoting cohesion across the Bar, whilst recognising its diversity of members, and practices.



Charles Shaw QC

SIGNED BAR ROLL 2000, SILK 2019, YOUNG'S LIST

► Charles Shaw has been at the Bar for over 20 years. He has a broad commercial practice, focusing on contract and misleading and deceptive conduct cases, corporations law disputes and equity and trusts. He has considerable experience in legal profession regulation. He practises principally in the Supreme Court and the Court of Appeal. He is presently the Deputy Chair of the Ethics Committee and has served on that Committee for a total of 9 years. He is also on the CPD Committee. He played a

significant role in drafting the Bar's most recent application for approval of its Professional Standards Scheme. He previously served on the Bar Council between 2004 and 2007. Charles believes that the role of the Bar Council is to protect the integrity and professionalism of the Bar and to enable all barristers, from all backgrounds, to have the most fulfilling and satisfying careers they can.

OUR CANDIDATES

Category A (15 years+ or silk)



Darryl Burnett

SIGNED BAR ROLL 1985, DEVER'S LIST

- Darryl has greatly enjoyed working with his colleagues on Bar Council and particularly as Junior Vice President. It is a rare achievement for a non-silk to be elected to the Executive and is a recognition of the work he has performed. He has been integral in achieving the Bar Council's objective of transparency, particularly in financial matters. He has been part of the development of the new Barristers' Conduct Code, and he has driven reform to applications to the Barristers' Benevolent Fund.

He appears in most jurisdictions (including Magistrates' Court) which gives him personal insight into the difficulties encountered by barristers during the pandemic. He is on the Bar Council's Return to Work Working Group and has met with the Chief Magistrate on a number of occasions on access to justice during the pandemic. Much work will be required in 2022 at all levels to re-assert barristers' roles in the courts when we open up again. If re-elected, he will commit the same level of energy to the tasks of the Bar Council as he did in his first term.



Dr Michelle Sharpe

SIGNED BAR ROLL 2002, YOUNG'S LIST

- Dr Michelle Sharpe came to the Bar in November 2002. Michelle has developed a strong practice in general commercial and regulatory law. She also writes about legal ethics and consumer law. Among other things, she is the author of *Unconscionable Conduct in Australian Commercial and Consumer Contracts* published by Lexis Nexis. Michelle has previously served on Bar Council for a period of 6 years (cumulatively) in categories B and C. She is currently the Convenor of the Women Barristers' Association

and was the founding member of the Bar's Health and Wellbeing Committee. She is committed to promoting diversity and inclusivity and wellbeing issues at the Bar. She is running for Bar Council to promote these issues and to represent women who are over 15 years at the Bar and not silk. And, after being subjected to a social media 'pile on', Michelle also wants to reinvigorate the Bar's tradition of civilised debate. She believes that real diversity and inclusivity, indeed progress itself, requires the freedom to express and examine ideas in an open and civil way.



Maria Pilipasidis

SIGNED BAR ROLL 2006, LENNON'S LIST

- Maria came to the Bar in May 2006 and is a member of Lennon's List. Since signing the Bar roll, Maria has developed a strong common law practice with a particular focus on transport and industrial accident cases. She has mentored six readers and has been a member of the Lennon's List Committee for over 10 years. She was formally on the Vic Bar Human Rights Committee and is a member of the the Compensation Law Bar Association, the Women's Barristers' Association, and the Hellenic Australian

Lawyers Association. Maria is committed to continuing the work undertaken by the current Bar Council and is looking forward to ensuring that the Bar is run by members, for its members.

Category B (6-15 years)



Ben Murphy

SIGNED BAR ROLL 2007, FOLEY'S LIST

- Ben Murphy is a commercial barrister of 14 years' call. Ben is currently a member of the Bar Council and serves on the Audit, Finance and Risk Committee and the Counsel Committee and is on the Board of Barristers' Chambers Limited (BCL) and the Essoign Club. Ben is committed to ensuring the Bar Council is open and transparent with its members and wants to ensure the Bar Council does everything it can to support members as we emerge from the challenges presented by the COVID-19 pandemic.

OUR CANDIDATES

Category B (6-15 years)



Robyn Sweet

SIGNED BAR ROLL 2007, DEVER'S LIST

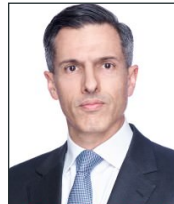
► Robyn is a current Bar Council member and is the Assistant Honorary Treasurer of the Bar. She is an employment and industrial law barrister. Robyn is proud of the Bar Council's achievements this year, including increased transparency, reduction in expenditure and lowering the cost of members' subscriptions. She respects and promotes the autonomy of barristers as sole traders. She is an advocate for the return to in-person hearings, which is critical to addressing the backlog of cases that has built up during the pandemic, particularly in the Magistrates' Court and VCAT. She hopes to consolidate and build on her work on Bar Council in 2022. Robyn is also keen to explore measures to redress the loss experienced by new barristers who have undergone all or much of their Readers' Course and their reading period online and at home.



Amy Wood

SIGNED BAR ROLL 2009, DEVER'S LIST

► In 2020, Amy ran for and was elected to the Bar Council for the first time. Amy has re-nominated in 2021 because she is committed to continuing the approach taken by the current Bar Council. This is especially so in relation to Bar expenditure, transparency, and accountability. Amy is aware that throughout the pandemic, some appearance work (traditionally performed by barristers in court) has been conducted by solicitors online. Amy is thus dedicated to advocating for the safe return to in-person hearings so that these briefs return to members of the Bar. Amy remains committed to building on the collegiality at the Bar, and to encouraging members to support and embrace projects and events such as the Bar History Project and the annual Bar Dinner. She was formerly on the board of the Essoign Club (2016 to 2019) and is very proud to have been part of the Bar Council that secured the future of the Club.



Rodrigo Pintos-Lopez

SIGNED BAR ROLL 2009, LIST A

► Rodrigo practises in the areas of commercial and public law. Until recently, he was also a senior member of the Administrative Appeals Tribunal on a part-time basis. Rodrigo studied at Melbourne University followed by articles and then he went to the United States where he studied at Harvard Law School and practised as an attorney in New York. In 2009, he came back to Australia and signed the Bar roll. Rodrigo believes that the Bar Council is a member organisation representing individual barristers with diverse practices, lives, and opinions. He thinks that the Council ought to be transparent to members and be responsive to their needs, taking into account that inherent diversity. This next Bar Council will be particularly important in assisting members to re-build following the effects of lockdowns on the profession.



Robin Smith

SIGNED BAR ROLL 2009, HOLMES LIST

► Robin is a family law barrister with 12 years' call. He specialises in matters with complex legal issues and is currently co-writing a family law textbook. He has a strong commitment to the Bar and to its independence. He strongly believes in the collegiate nature of the Bar and has taken great pride in assisting other barristers. In this way, he has served on the Family Law Bar Association Committee since 2014, as Treasurer for most of that time. He is also currently the Secretary of the Military Bar Association and one of the Assistant Honorary Secretaries to the Bar Council. Robin is keen to see the quick but safe return to chambers and face-to-face court hearings.

OUR CANDIDATES

Category B (6-15 years)



Nawaar Hassan

SIGNED BAR ROLL 2012, FOLEY'S LIST

► Nawaar Hassan practises in commercial, insurance and industrial law. She believes in a Bar Council that values transparency and accountability, respects members' independence, listens to the diversity of views and interests amongst barristers, and encourages active and fearless debate amongst Bar Councillors. She considers it her privilege to have served on such a Bar Council in 2021. She understands that the pressures of COVID are not over and that the future will present continuing challenges for many members. She is committed to supporting all members personally and professionally, and to defending the Bar's role in the administration of justice.

Category C (0-6 years)



Owen Wolahan

SIGNED BAR ROLL 2015, DEVER'S LIST

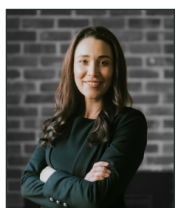
► Owen has a broad commercial practice with a focus on complex disputes. Before coming to the Bar, Owen was a solicitor with Herbert Smith Freehills and then worked for the Office of Crown Counsel in the Victorian Government. Owen supports the work of the current Bar Council and will work to support, guide and advocate for barristers through the pandemic.



Nicholas Phillpott

SIGNED BAR ROLL 2015, YOUNG'S LIST

► With the continuing effect of COVID-19 and lockdowns on the Junior Bar throughout 2021, I am eager to continue to represent and support the Junior Bar on the Bar Council for another term. I believe that it is important for the Junior Bar to have a strong voice to ensure that the return to court in person can be achieved in a safe and timely manner and that Bar subscription rates continue to be fair and reasonable for all members.



Andrea Skinner

SIGNED BAR ROLL 2018, HOLMES LIST

► Andrea came to the Bar in 2018, with a background in criminal law. Since signing the Bar roll, she has developed a busy practice predominantly in the area of family law. If elected, Andrea intends to ensure that the Bar Council continues to be financially accountable and transparent. As a parent, she has a good understanding of the challenges faced by barristers who have parenting responsibilities. She is dedicated to advocating on behalf those members of the Bar.



Lana Collaris

SIGNED BAR ROLL 2008, RE-SIGNED BAR ROLL 2019

► Lana is a junior barrister of about 4 years' call. She practises in a broad range of commercial matters including corporations law matters, insolvency, commercial lease disputes, general contractual disputes, and equity. Her briefs to date have taken her from the Broadmeadows Magistrates' Court to the Court of Appeal and almost everywhere in between. If re-elected to Bar Council, Lana will continue to advocate on behalf of members for lower subscription fees, a reduction in the Readers' Course fee, and a reduction in Bar Office expenses. On a personal note, Lana enjoys #sweatwithkayla, walking, food, wine, and everything French.

HOW TO VOTE FOR US

As the voting system is 'first past the post', and the surplus votes are not redistributed amongst the ticket, the best way to support us is to vote for each of the above candidates (even those you may not know personally). Please remember also that voting for others dilutes the effect of your vote for us.