

RESUME and CURRICULUM VITAE

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Career Summary

I was admitted to practice in 1977 and have developed specific expertise in criminal, appellate and sports law. In 1994 I was appointed by the Government as Queen's Counsel in Victoria. This was the first such appointment of a practising solicitor (and from outside the Victorian Bar) in the twentieth century. I was subsequently appointed Queen's Counsel in Western Australia in 1996. After practising primarily in partnership, in 1995 I founded the private practice *David Grace QC*, and I have worked as a sole practitioner since. I have appeared in hundreds of court cases, including numerous seminal High Court and Court of Appeal cases. These cases have resulted in significant developments in the common law of Australia. One prime example is the 1992 High Court decision in *Dietrich* that had the major effect throughout Australia of ensuring that legal representation is provided to those charged with serious criminal offences.

I have made a significant contribution to the legal profession through my varied leadership positions. Most notably, I am currently serving my fifth term as Director of the Sentencing Advisory Council of Victoria and have been an Arbitrator in the Court of Arbitration for Sport since 2000. I have been co-chair of the National Criminal Law Committee of the Law Council of Australia since 2003 and have been a Director of the Australian Advocacy Institute since 1996. In addition to these positions, I have held senior leadership positions with the Law Institute of Victoria and I have lectured to legal practitioners and University law students in relation to criminal law, advocacy and sports law. I have, over the years of my practice, given freely of my time pro bono to aid individuals and groups in need of legal assistance for worthy causes. I have given clerkships and work experience to numerous law graduates and students and have been a mentor to many young lawyers.

My expertise in Sports law has enabled me to make a significant contribution to the field of sport within the broader community I note my continued legal work within the Australian Football League, where I have worked on several high profile cases. Additionally, I have had extensive involvement in sporting administration and recently served as President of Athletics Australia. This is in addition to numerous other leadership roles within sporting organisations over many years.

Education and Qualifications

<i>Legal Practice Admission</i>	1977
Admitted to Practice as a Legal Practitioner in the Supreme Court of Victoria, Australia and in the High Court of Australia	
<i>Certified Practising Accountant</i>	1977
Membership granted of the Australian Society of Certified Practising Accountants (Advancing to Fellow status in 1995)	
<i>Monash University, Melbourne, Australia</i>	1975 to 1982
Master of Laws	
Bachelor of Laws with Honours	
Bachelor of Economics	

Legal Practice History

<i>David Grace QC</i>	1995 to present
Sole practitioner practicing as <i>David Grace QC</i>	
Private practice as a sole practitioner or in partnership	1977 to 1995

Legal Practice Expertise

I have developed an extensive advocacy practice appearing regularly before Courts and Tribunals, with a special emphasis on superior court advocacy in criminal trials and appeals. I have appeared as Counsel in numerous cases in the High Court of Australia (Australia's Supreme Court), with the most notable cases listed below:

- **Macalister** (1990) 169 CLR 324 (Right to appeal)
- **Dietrich** (1992) 177 CLR 292 (Right to legal representation and a fair trial)
- **Crofts** (1996) 186 CLR 427 (Inadequate jury directions and jury discharge need)
- **Pavic** (1998) 151 ALR 98 (Admissibility of admissions/ confessions involving the fairness discretion)
- **Siganto** (1998) 194 CLR 656 (Aggravating circumstances in sentencing)
- **Melbourne** (1999) 198 CLR 1 (Jury directions in relation to good character evidence)
- **Lowndes** (1999) 195 CLR 665 (Appellate interference with discretionary judgments)
- **Katsuno** (1999) 199 CLR 40 (Jury vetting)
- **DP v Commonwealth Central Authority** (2001) 206 CLR 401 (Child abduction – International Conventions)
- **Pasini** (2001) 180 ALR 593 and 183 ALR 671 (Bail)
- **Eastman** (2003) 214 CLR 318 (Post conviction inquiry into guilt)
- **Putland** (2004) 218 CLR 174 (Aggregate sentencing of Federal offenders)
- **Johnson** (2004) 205 ALR 346 (Sentencing principles where two offences contain common factual elements)
- **Mule** (2005) 211 ALR 85 (Evidentiary weight of exculpatory statements by an accused to police)
- **Gypsy Jokers Motorcycle Club** (2008) 234 CLR 532 (Use of confidential information by the Supreme Court and constitutional validity)
- **Stubley** (2010) 242 CLR 374 (Admissibility of propensity evidence)
- **R & M v IBAC** (2016) 256 CLR 459 (Privilege against self-incrimination and power to hold an examination)

In addition to the above, there have been numerous appearances before Courts of Appeal and Criminal Appeal throughout Australia resulting in many significant precedential decisions.

Contribution to the Legal Profession

Director, Sentencing Advisory Council of Victoria

2004 to present

This was a statutory appointment by the Governor in Council on the nomination of the Attorney-General pursuant to Section 108F of the Sentencing Act, 1991 (Victoria). The period of appointment is three years with eligibility for re-appointment. Re-appointment has occurred on four occasions. The Council has provided a major role in relation to the application and development of sentencing law in Victoria. It has conducted research and produced a large volume of reports on sentencing matters. The role of a Director is to consider and give advice in relation to the content of reports prepared by the Secretariat under direction of the Council, to provide direction to the Council in relation to its activities including “own motion” initiatives, and to give guidance in relation to proposed research, public consultation and educational activities.

Co-Chair of the National Criminal Law Committee of the Law Council of Australia

2003 to present

The Law Council exists to represent the legal profession at the national level, to speak on national issues and to promote the administration of justice, access to justice and general improvement of the law. It advises Governments, Courts and Federal Agencies on ways in which the law and the justice system can be improved for the benefit of the community. The National Criminal Law Committee meets quarterly but does considerable work throughout the year. There is constant liaison with the Law Council Secretariat and I have contributed to a very large number of submissions to Government on wide ranging issues concerning federal criminal law and practice. I have appeared before a Senate Committee representing the Law Council in respect of the proposed ratification of an extradition treaty with China.

Arbitrator, Court of Arbitration for Sport

2000 to present

I was appointed to this position in recognition of my expertise as a sports lawyer and involvement in sporting disputes. In this role I have been involved in the adjudication of numerous sporting disputes involving discipline, selection and doping matters. I was appointed to the ad-hoc divisions of the Court for the 2006 Commonwealth Games, Melbourne Australia, and 2010 Winter Olympic Games, Vancouver, Canada.

Director of the Australian Advocacy Institute

1996 to present

This body was established under the auspices of the Law Council Australia in 1991. Its aims are to improve the standards of advocacy skills throughout Australia. My role as a Director has included a teaching and training role, as well as giving direction to the efficient running of the Institute and being a liaison to the solicitors’ side of the profession. The Institute has achieved pre-eminent status in Australia and in other common law countries for the teaching of advocacy.

Chair of the Criminal Law Section of the Law Institute of Victoria

1993 to 2001

This role involved chairing monthly meetings of Victorian Criminal Law practitioners where issues pertinent to criminal practice and procedure and proposed legislation were discussed. The Section also prepared submissions to Government in relation to proposed legislation. I represented the organisation in meetings with Judges, the Bar, Attorney-General and the Department of Justice, as well as providing regular media comment and interview.

***Chair, Criminal Law Specialisation Advisory Committee,
Law Institute of Victoria*** **1994 to 2001**

In 1994, the Law Institute of Victoria created specialisation advisory committees to set a program for candidates to be examined in relation to their expertise. The aim was to establish a body of specialists for the benefit of the public and the profession. This role involved establishing a curriculum and course of study, organisation of tutorials, as well as the development and marking of examination papers.

***Co-Editor of Bourke's Criminal Law Victoria
(Lexis Nexis) – Sentencing*** **1996 to present**

This role involves the provision of annotations to this sentencing law text on approximately 6 occasions per annum. This text is regarded by most practitioners as the pre-eminent text in respect of criminal law and practice in Victoria.

Criminal Law Journal Editorial Board Member **2005 to present**

This Journal provides scholarly articles providing analysis of criminal law including sentencing law in Australia, and discusses law reform issues and significant High Court and State criminal cases and relevant legislation.

Legal Profession Awards and Recognition

Law Institute of Victoria **2004**

Awarded Law Institute of Victoria Service Award for valuable contributions to the law and to the profession.

Victorian Law Foundation **1996**

Awarded Victorian Law Foundation Pro Bono Award for outstanding services as an Advocate in a range of public interest matters.

Appointed Queen's Counsel for the State of Western Australia **1996**

Appointed Queen's Counsel for the State of Victoria **1994**

Presentations to Conferences and Seminars

I have delivered numerous papers to both national and international conferences and seminars organised by the:

- Law Institute of Victoria
- Victorian Bar
- Criminal Lawyers Association of the Northern Territory
- Australian and New Zealand Sports Law Association
- Leo Cussen Institute
- Australian Friends of Tel Aviv University
- Australian Olympic Committee
- Victoria University

Sporting Administration

Athletics Australia

President

2013 to 2015

Athletics Australia is the roof body of the sport of track and field athletics in Australia and operates a budget of in excess of \$10 million per annum. It has partnerships with the Australian Sports Commission, the Australian Institute of Sport and State and Territory Institutes of Sport in the delivery of athletics to the Australian public and in the pursuit of athletics excellence through a high performance program aimed at success in International competitions. The period of my Presidency saw a major transition in the governance, policy and organisational structure of the sport of athletics in Australia. I led and advocated many changes. Significant challenges followed the 2014 Commonwealth Games and a Review commissioned by the Australian Sports Commission made a series of recommendations which were fully implemented or well advanced during the course of my Presidency. As a result, the sport of athletics in Australia is now in an excellent position to benefit in the future.

Vice-President

2011 to 2013

Director and Board Member

2006 to 2015

President of Athletics Australia Tribunals

2016 to 2017

2002 to 2006

This Tribunal has jurisdiction over disciplinary, selection and doping issues.

IAAF (International Association of Athletics Federations)

Member IAAF Disciplinary Tribunal

2017 to date

This Tribunal was recently established pursuant to the IAAF Constitution. I was appointed as one of the inaugural members. The role of the Tribunal is to rule on all integrity issues arising in the sport of athletics such as are likely to bring the sport into disrepute.

West Coast Eagles, Australian Football League

Honorary General Counsel

2004 to date

This role involves the representation of AFL Footballers before the AFL Tribunal and advising the club in relation to disciplinary, doping and other legal issues affecting players. It is a significant role involving constant advice and consultations.

Australian Olympic Committee

Honorary Team Advocate, Olympic Games, Athens, Greece

2004

This role required a considerable involvement both prior to and during the Games in representing athletes in a number of disputes including disputes before the Court of Arbitration for Sport, disciplinary and other legal issues.

Member of the Australian Olympic Team Panel of Advocates

2000

Appointed on a panel of advocates to represent members of the Australian Olympic Team at the 2000 Olympic Games in Sydney.

Advisor, Australian Olympic Committee, Olympic Games 2000

1997 to 1998

Assisting in the drafting of selection policies for Olympic sports for the 2000 Olympic Games.

Skiing and Snowboarding Australia**Honorary Counsel****2002 to 2010**

This organisation is the roof body governing skiing and snowboarding in Australia. In this role I assisted the Board in drafting appropriate selection policies and presided over disputes in respect of teams selected for the 2002, 2006 and 2010 Winter Olympic Games.

Maccabi Organisation**1977 to present**

The Maccabi Movement is a Jewish organisation committed to fostering and conducting Jewish sporting and cultural activities throughout the world. It has affiliates in many countries. Maccabi Australia has over 8000 members. I have occupied numerous roles in the organisation over many decades. A list of those positions is as follows:

- 2016 - Chair Selection Committee for Maccabi Victoria Hall of Fame Inductions.
- 2012 - Chair Maccabi Australia Selection Justification Panel for Maccabiah Games Israel Team.
- 2007 – 2008 - Member Board of Governors Maccabi Australia.
- 2006 - Author of Review of Maccabi Victoria Hall of Fame Charter.
- 2002 – 2006 - Member Court of Honour Maccabi World Union.
- 1994 – 2002 - Vice President Maccabi World Union.
- 1997 - Patron Australian Team, Maccabiah Games and Coach/Manager of track and field team; coordinator of media and legal responses to the Maccabiah Games Bridge tragedy.
- 1993 – 1997 - Member Maccabiah Games Court of Honour.
- 1991 – 1993 - **President Maccabi Australia** and Vice-Chairman Maccabi World Union.
- 1991 – 1993 - Chairperson Maccabi Australia track and field.
- 1984 – 1985 - **President Maccabi Australia.**
- 1984 and 1990 - Maccabi World Union executive member.
- 1981 – 1997 - Selector Australian Maccabiah Games track and field teams.
- 1981 – 1983 and 1989 – 1990 - Vice President Maccabi Australia.
- 1981 - Team Vice Captain Maccabiah Games Team.
- 1979 – 1983 and 1989 – 1990 - Executive Member Maccabi Victoria.
- 1977, 1981 and 1993 - Australian Representative in athletics in Maccabiah Games, Israel.
- 1971 – 1993 - Treasurer, Secretary, President (4 years), Team Captain, Team Manager, Coach and Life Member (1985) of the Ajax Maccabi Athletics Club.