

# **ELIZABETH BRIMER**

**Judge, County Court of Victoria**

**Judge in Charge of the Arbitration List**

**Vice-President, Victorian Civil and Administrative Tribunal**

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## **Professional**

Appointed Judge in Charge of the Arbitration List,  
Commercial Division, County Court of Victoria 2022

Appointed Vice-President Victorian Civil and Administrative  
Tribunal 2020

Appointed Judge, County Court of Victoria, 16 April 2019

Queens Counsel April 2019

Appointed Senior Counsel November 2018

FCI Arb - Fellow of the Chartered Institute of Arbitrators  
January 2018

DiplC Arb (Chartered Institute of Arbitrators Diploma in  
International Commercial Arbitration) 2016

Signed the Bar Roll in May 1999

Associate to Justice George Hampel  
Supreme Court of Victoria - March 1997 to March 1999

## **Previous Sport/Arbitration related Appointments, Tribunals**

Appointed Arbitrator in commercial arbitration (ad hoc single  
arbitrator) under the *Commercial Arbitration Act* 2011 (Vic) in  
2018

Code of Conduct Commissioner for Cricket Australia for  
2016/17, 2017/18 and 2018/19 seasons

National Basketball League Tribunal Member 2017/18,  
2018/19

Netball Australia Adjudicator/Tribunal Member 2018/19

Basketball Victoria Disciplinary and Member Protection  
Tribunals Chair/Member (2010-2019)

Appointed to the Australian Olympic Committee list of pro  
bono lawyers for the 2010 Olympic Winter Games

Assisted the Director of Sport for the Australian Olympic Committee regarding pro bono counsel appearing in selection disputes in the lead up to the 2012 London Olympic Games and 2016 Rio Olympic Games

Former Chair of the Sports Law Section of the Commercial Bar Association overseeing Tribunal member volunteer scheme for a number of sports including Football Federation Victoria (FFV)

Member of Australia New Zealand Sports Law Association since 2008

**Sports related appearances as Counsel**

Advised and appeared for the Australian Sports Anti-Doping Authority in doping matters before the Court of Arbitration for Sport (arbitrator, David Grace QC) and the Administrative Appeals Tribunal (Cth)

Advised and appeared on behalf of Racing Victoria Limited Harness Racing Victoria, Greyhound Racing Victoria in the Racing Appeals and Disciplinary Tribunals, Supreme Court of Victoria and the Victorian Civil and Administrative Tribunal

Advised and appeared for Basketball Victoria

Appeared as counsel assisting in the Cricket Australia Shane Warne and Rummans hearings

**Sports related Articles**

Co-author of Bar News article "*Sports, Drugs and Doping Control*" 2013

"*Third Party Witness Compulsion in the Court of Arbitration for Sport*" ANZSLA Journal 2016 11 (1)

"*Sports Arbitration – Consent, Independence and Impartiality*" Resolution Institute The Arbitrator & Mediator Vol 38 May 2019

**Sports related presentations**

Moderated the Anti-Doping Panel Session at the Law Accord Conference 2019 on the Gold Coast with speakers The Hon Dr Tricia Kavanagh, Ross Wenzel, Benjamin Cohen and Jacob Holmes

Moderated the session "*Sports Law – the Interface between Sport and the Law*" with speakers, Prof Jack Anderson and David Howman at the Greyhound Racing Integrity Unit Integrity in Sport Conference in Melbourne 2018

Speaker at the International Bar Association Conference in Sydney 2017 sports law subcommittee session "*Use of drugs in Sports and the World Anti-Doping Agency*" on the topic of third party witness compulsion in CAS

Presenter at the Law Institute of Victoria CPD Intensive 2017 on "*Playing by the Rules: Contract Issues in Sport*"

Chaired the Sports Arbitration session at the Victorian and London Bars Commercial Bar Associations 2016

International Commercial Law Conference in London “*The Future of International Commercial Dispute Resolution*”

ANZSLA Conference 2016 Wellington New Zealand – presenter “*Third party witness compulsion in CAS: Essendon – an issue of fairness?*” looking on the limitations of the *International Arbitration Act 1974 (Cth)* in respect of CAS arbitrations seated in Switzerland

The Australian New Zealand Sports Law Association (ANZSLA) Conference 2016 - Panel member together with David Howman, former Director General WADA, Graeme Steel Drug Free Sport NZ, Tony O'Reilly, Kennedy's and Quentin Row, NZ Olympic race walker debating issues arising out of the IOC response to the McLaren Report and the topic “*Are we doing enough to protect the clean athlete?*”

Presenter ANZSLA regional events in Sydney and Melbourne 2015 on the judgment of Croft J in *Chief Executive of the Australian Sports Anti-Doping Authority and the AFL v 34 Players and one support person* [2015] VSC 14

### **Sport**

Victorian State Water Polo team 1994 and 1995

Richmond State League 1 Water Polo team 1990- 1995

University of Melbourne Water Polo team 1988-1990

### **Other Boards, Tribunals, Presentations and Articles**

Board member of the Victoria Law Foundation (2015-2019).

Chair of the Grants Subgroup of the Board of the Victoria Law Foundation.

Member of the Audit, Finance and Investments subgroup of the Board of the Victoria Law Foundation.

Panel Member and Vice President of the Professional Standards Board for the Anglican Archdiocese of Melbourne and Bendigo (2017-2019).

Former member of the Victorian Bar Council (2013/14, 2015/16).

Member of the Victorian Bar Education and Professional development Committee (2011-2015).

Member of the Victorian Bar Readers' course sub-committee (2011 - 2015, 2016 - 2017).

Member of the Victorian Bar Professional standards committee (2013 -2015).

Advocacy instructor with the Australian Advocacy Institute.

Instructor Bar Readers' Course.

Sessional lecturer - Trial Practice and Advocacy course at Monash University (undergraduate – in Melbourne and in

Prato Italy) (from 2001- 2014).

Sessional lecturer and course materials writer - Advocacy Theory and Practice course (LLM) at Monash University (from 2001-2014).

Member of Department of Justice Human Research Ethics Committee (2002 to 2012) (Awarded a Justice award by the Secretary of the Department of Justice in 2012 in respect of service on the Justice Human Research Ethics Committee).

Mentor under the Victorian Women Lawyers and Woman Barristers Association mentoring program

Co-author with Professor the Hon. George Hampel AM QC of "*Ethics & Etiquette for Advocates*".

Co-author with Professor the Hon George Hampel AM QC and Randall Kune of "*Advocacy Manual*".

Reporting on the Forum on Expert Evidence at the National Forensic Accounting Conference 2005 in Sydney for the Institute of Chartered Accountants

Presented "*Issues in expert evidence*" at the International Academy of Law and Mental Health conference in Paris in 2005

Presented "*You've briefed Counsel – can you sit back and relax?*" with Charles Shaw of the Victorian Bar for the Leo Cussen Institute CPD Intensive on "*Ethical Responsibilities of Lawyers when briefing Counsel*", 2010

Presented a paper for the Leo Cussen Institute CPD Intensive on "*Ethical Responsibilities of Lawyers when briefing Counsel*", 2011

Presented a paper for the Leo Cussen Institute CPD Intensive on "*Ethical Responsibilities of Lawyers when briefing Counsel*", 2012

## **Other practice areas - Barrister 1999-2019**

### **Civil/Commercial/Insurance Law**

Briefed to advise and appear on behalf of the inspection contractor for a major electricity distributor in Supreme Court of Victoria class actions arising out of bushfires in Victoria in 2018.

Briefed to advise and appear in insurance and contract matters in the Supreme Court and County Court.

Appeared on behalf of the State of Victoria (Chief Commissioner of Police) in police torts matters in respect of claims including assault, trespass, false imprisonment, negligence and malicious prosecution.

*Matthews v SPI Electricity Pty Ltd and Others* in the Supreme Court of Victoria (major class action arising out of 2009 Black Saturday Bushfires; trial ran for 15 months).

*Utility Services Corporation Ltd v SPI Electricity Pty Ltd & Ors* [2012] VSCA 158 (appeal – issue relating to transfer of liabilities under the privatised electricity network).

*Rowe v SPI Electricity Pty Ltd and Others* in the Supreme Court of Victoria (major class action arising out of 2009 Black Saturday Bushfires).

*Kernaghan v Corrections Corporation of Australia Staff Superannuation Pty Ltd* [2006] FCA.

*CGU Insurance Ltd v Corrections Corporation of Australia Staff Superannuation Pty Ltd* [2008] FCAFC 17 (Superannuation Trustees Liability policy dispute)

### **Regulator/Enforcement**

Appeared as defence counsel in Biosecurity Tasmania prosecution on behalf of a major supermarket.

Appeared on behalf of witnesses in compulsory examinations and advising in respect of compliance with s155 notices.

Advised in respect of IBAC matters.

### **Royal Commissions**

Metropolitan Ambulance Royal Commission.

'Black Saturday' Bushfires Royal Commission in respect of the Beechworth fire.

'Black Saturday' Bushfires Royal Commission in respect of the Kilmore fire.

Royal Commission into Aged Care Quality & Safety (Advice).

### **OH&S Law**

Appeared for a number of construction and equipment hire companies in prosecutions under the Occupational Health and Safety Act.

Junior counsel to Ross Ray QC advising the Australian Catholic Bishops' Conference in relation to the operation of the proposed Work Health and Safety legislation.

### **Coroners' Court**

Appeared in the Court of Appeal on behalf of an applicant for leave to appeal re application to reopen an investigation.

Appeared on behalf of the Chief Commissioner of Police in applications to re-open historic investigations.

Appeared on behalf of three Victoria Police members in the Inquest into the death of Thompson and in other matters.

Appeared on behalf of a Grocon employee in respect of the inquest into the deaths of Jones, Jones and Fiawoo arising out of the Swanston Street wall collapse.

### **Criminal Law**

Appeared in the Supreme Courts of Victoria, Western Australia and ACT in murder, attempt to pervert the course of justice and rape trials, both defending and prosecuting.

Appeared as defence counsel and prosecuted on behalf of the OPP in the Magistrates' Court and as defence counsel in the County Court of Victoria.