



WELCOME

**ADDRESS AT THE WELCOME TO
HER HONOUR JUDGE ELIZABETH BRIMER,
JUDGE OF THE COUNTY OF VICTORIA
COURT 3-3 COUNTY COURT
THURSDAY, 2 MAY AT 9:15AM
BY SIMON MARKS QC, VICE-PRESIDENT, VICTORIAN BAR**

May it please the Court.

I appear on behalf of the Victorian Bar to congratulate Your Honour on your appointment to this Court.

I acknowledge the traditional owners and custodians of the land on which we meet, the Peoples of the Kulin Nation, and pay my respects to their elders past and present.

Your Honour's appointment to this Court has been greeted with much joy by your colleagues and friends, and in particular by members of the Victorian Bar.

Your Honour was born in Melbourne but left with your family very soon after to live in South Africa, spending around 18 months in Durban before relocating to Cape Town. Your Honour's father, Michael Brimer, is a renowned concert pianist. He had taken up academic appointments in South Africa. You went with him but you came back to Melbourne [at age 9] and completed your schooling here. Your Honour shares a love of music and musical ability with your father, and yourself became an accomplished violinist during your time at school.

Your Honour knew from a very young age that you wanted to pursue a career in the law; in fact all you ever wanted to do is to become a barrister.

So it is not surprising that on graduating high school, your Honour enrolled in a Bachelor of Arts at Melbourne University where you stayed for two years before transferring to Monash University to complete a Bachelor of Arts/Law.

At university, your Honour took up the sport of water polo. It became a passion for you. You played for many years at university and state league level, even playing for the State of Victoria. A busy career in the law ultimately put paid to your time in the pool, but I'm told you've maintained a deep love of the sport.

Your Honour graduated in 1993 securing Articles at Brian Ward & Partners, remaining there as a solicitor for a further 2 years, building on your experience practising in general commercial law.

You left the firm to take up an associateship at the Supreme Court with Justice Hampel (as he then was) in March 1997. I understand your Honour one of over 90 applicants who applied for the position, and Justice George Hampel was in no way disappointed with his choice.

It did not go unnoticed that your Honour enrolled in one of Justice Hampel's advocacy courses after applying for the associateship; a move that could only be described as



tactical and shrewd. However, it gave you the opportunity to demonstrate to His Honour your advocacy potential and great commitment.

You spent 18 months in that position where you acquitted yourself with drive and discipline. Professor Hampel describes your Honour as not only a good lawyer and associate, but as a balanced person with significant interests outside of work. Like others after, he was taken by your passion for advocacy; which he recognised as a terrific foundation for your future career as a barrister.

Your Honour was called to the Bar in 1999, reading with Brian Walters AM QC.

Your passion for advocacy spurred your ongoing attendance at Justice Hampel's advocacy workshops. You became an advocacy teacher yourself. You built an enduring friendship, with both Professor Hampel and his wife, Her Honour Judge Felicity Hampel of this Court, which lasts till this day. You have co-authored two books [with him] being: "Ethics & Etiquette for Advocates" and the "Advocacy Manual" (also with Randall Kune). I note that in 2010, you authored another book (with Charles Shaw) "Ethical Responsibilities of Lawyers when Briefing Counsel".

You built a wide and varied practice at the Bar. Of note, your Honour appeared on behalf of the Utility Services Corporation in the 'Black Saturday' Bushfires Royal Commission in respect of the Beechworth fire, and appeared as junior counsel to the late Ross Ray QC also on behalf of Utility Services Corporation in the 'Black Saturday' Bushfires Royal Commission in respect of the Kilmore fire.

Your Honour appeared as junior counsel to James Judd QC (as His Honour then was) on behalf of the Victorian Government Solicitor members of the VGSO in the Metropolitan Ambulance Royal Commission.

You also established yourself as an expert in OH&S prosecutions and appeared in many, among them, in the WorkSafe prosecution relating to the Swanston Street wall collapse.

You also developed an interest in "sports law" quite early in your career, through a brief you received from a former colleague at Brian Ward & Partners. He'd been appointed as in-house counsel at what was then the Australian Cricket Board. Your Honour was briefed as counsel assisting in a high profile matter, the prosecution of the test cricketer, Shane Warne. The outcome of that hearing was that Mr Warne received a 12 month ban from the sport for testing positive to banned diuretic drugs. Your Honour appeared in that matter unled and stared down Jeff Sher QC, acting for Shane Warne, who sang your praises about the good job that you did.

Your Honour's reputation as an expert in sports law, grew from there and you developed a solid practice in the area. You have been briefed by the Australian Sports Anti-Doping Authority in doping matters before the Court of Arbitration for Sport; for Basketball Victoria; for Cricket Australia; for Harness Racing Victoria; for Harness Racing Tasmania; and for Greyhound Racing Tasmania. Not only that, your Honour was Appointed to the Australian Olympic Committee list of pro bono lawyers for the 2010 Olympic Winter Games. Your Honour has not once, but twice been appointed as a Cricket Australia Code of Conduct Commissioner in 2016 and in 2017.

Given your Honour's expertise in these regards, it is not surprising that you served as Deputy Chair from 2012 to 2014 and then as Chair from 2015 to 2017 of the Commercial Bar Association (Sports Law Section).



Your husband Craig is a partner at the law firm Davis Collison Cave; so you're both lawyers, and fine lawyers might I say.

That said, neither of you are blind to a commercial opportunity. For example, you both saw an unusual commercial opportunity arise from your close connection to and great knowledge of sport. Indeed it was the two of you who created the cleverly named 'clad'.

Now for those of you who are not familiar with this invention, since the meteoric rise of the 20/20 format of the game of cricket there has been a need to wear different coloured pads depending on the uniform of the team. Your Honour and your husband saw a gap in the market and devised a coloured cover for the usually white batting and wicket keeping pads as a cost-effective way to ensure multiple uniforms are adhered to without spending a fortune on multiple pairs of pads; no doubt much to the chagrin on the companies who make the pads!

The other important creation which you and your husband are to be commended for is your 3 wonderful children, all of whom are in Court today. I'll bet they are very proud of you and they have every right to be.

I'm told your Honour has a great love of travel and skiing which has been shared with your family and friends; Paris is your Honour's favourite place, no doubt driven by your Honour's equal love of food and wine. With all your other skills, if your Honour was to tell me you were fluent in French, that wouldn't surprise me in the least. As I thought; Formidable, your Honour.

Your Honour's contribution to the profession also deserves attention. The College of the Bar is a unique institution which depends upon current members being prepared to invest their time and resources for the benefit of future generations of Barristers. This you have done, in your modest, hard-working way throughout your career.

Your Honour has had 3 Readers and have been Mentor to many more juniors. You are described as thoroughly decent, thoughtful, trust-worthy and the soul of discretion; all of which will assist you no end in the way you manage your Courtroom and how you deal with witnesses, litigants and nervous counsel alike.

Your Honour served on the Legal Education and Training Committee (Continuing Legal Education Sub-Committee) from 2001 – 2003, and then for almost the last decade on the Readers' Course Committee.

You have also been an Instructor on the Readers' Course sharing your expertise and knowledge in the field of advocacy where you are described as an excellent teacher; good analytical and performance skills, as comfortable cross-examining a tough witness as with legal argument. As the current chair of the responsible Bar Committee I know just how much your Honour did in those respects and I express both the Committee's and the Bar's thanks to you for that invaluable work.

You did two terms on Bar Council; you also served as a member of the Ethics Committee.

Your Honour has also been a Sessional Lecturer in the Trial Practice and Advocacy course at Monash University since 2001, teaching in both Melbourne and Prato, Italy. Your Honour has also been a Sessional Lecturer and course materials writer in the Advocacy Theory and Practice course in the Master of Laws at Monash University.

You were appointed Silk in November 2018; it may be said therefore, that the Bar has not enjoyed the benefit of your expertise as Senior Counsel for long we would have



liked; you will be greatly missed; for what you have done, of course, but also for what you would have done in the next part of your career.

That said, you have accepted an appointment to this court – a court of vital importance to the administration of justice here in Victoria. And you will be a fine judge; the Bar's loss will be this Court's gain.

On behalf of the Victorian Bar, I warmly congratulate you on your appointment; and I wish you a long, satisfying, and distinguished balance of your career, as a Judge of this Court.

May it please the Court.