



VICTORIAN BAR

2023 VICTORIAN BAR PRO BONO AWARDS CEREMONY

NOMINEES

TUESDAY 21 MARCH 2023

PETER O'CALLAGHAN QC GALLERY



VICTORIAN BAR PRO BONO AWARDS

Recognising the contribution of members of the Victorian Bar who provide pro bono assistance through the Victorian Bar Pro Bono Scheme (administered by Justice Connect), Court Schemes, community involvement and individual commitment.

All nominees are listed alphabetically by surname (or the surname of leading counsel).

2023 Victorian Bar Pro Bono Awards

List of Nominees

Daniel Pollak Readers Award

For outstanding achievement in pro bono advocacy undertaken by barristers who have completed their Readers' Course within the previous two years. This award honours Daniel Pollak, who joined the Victorian Bar in 2007 and tragically passed away aged only 29 in September 2008. In his short time at the Bar, Daniel was a champion of pro bono work.

Nick Boyd-Caine for appearing with Claire Harris KC on behalf of a First Nations family at a coronial inquest into the death of a First Nations man, after a failure of health services resulted in the man's death.

Stephanie Brenker for representing the plaintiff in a case concerning the human rights of detainees in the ACT, opposed to senior counsel.

Katharine Brown for appearing in a significant number of pro bono matters as a reader, including *Waratah v Youth Verdict* [2022] QLC 4, the first Australian decision to accept that climate change has human rights impacts.

Stephen Bunce for representing vulnerable migrant workers in underpayment proceedings in the Federal Circuit and Family Court of Australia.

Gemma Cafarella for her significant work representing disadvantaged clients in a variety of tenancy, human rights and disability discrimination matters.

Shannon Finegan for her work on many pro bono migration matters, including preparing documents and appearing before the AAT, Federal Circuit and Family Court, Federal Court and Full Federal Court.

Chris Fitzgerald for his work acting for pro bono clients in areas as diverse as insolvency, migration, guardianship and native title.

Harriet Geddes for appearing for a parent in a complex trial in the Federal Circuit and Family Court relating to a child's access to medical treatment for gender dysphoria.

Mark James for his appearance for a refugee from Sierra Leone at a visa cancellation merits review hearing in the AAT.

Liam McAuliffe for his appearance as amicus curiae in the Supreme Court of Victoria in a matter concerning the meaning and scope of 'sexual touching' for the purposes of section 40 of the Crimes Act 1958 (Vic).

Sophie Molyneux for her work on a variety of environmental, migration, human rights and discrimination matters.

Martin Radzaj for his successful pre-hearing advocacy for an NDIS participant, and his advocacy on behalf of an Australian imprisoned overseas.

Cal Viney for his appearance as junior counsel in a migration matter in the Full Federal Court, and his pro bono advice work.

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Ron Castan AM QC Award

For outstanding achievement in pro bono advocacy undertaken by barristers who are between 2 and 6 years' call.

Nicholas Baum for his contribution as junior counsel at first instance and on appeal in a matter in which Traditional Owners on the Tiwi Islands successfully challenged government approval of an environment plan submitted by a large oil and gas producer for a drilling campaign as part of the Barossa offshore gas field project.

Emily Clark for assisting a non-government organisation both to comply with its obligation to produce documents in response to a subpoena, and to be better prepared for future subpoenas.

Angus Christophersen for appearing for a vulnerable client in complex and protracted proceedings, from the matter's early stages to the High Court's decision in *Stubbings v Jams 2 Pty Ltd* [2022] HCA 6, now the leading authority on unconscionable conduct in the context of asset-based lending.

Tim Farhall for acting for First Nations people in various discrimination matters and matters arising out of deaths in custody, and for his advice to community legal centres and non-government organisations.

Robert Forrester for his work in a planning matter relating to a proposed increase in the maximum number of residents for a residential alcohol and drug rehabilitation service.

Min Guo for his dedication to protecting and advancing the rights of people seeking asylum, people in detention, and people facing visa cancellation, including through numerous appearances at merits review hearings in the AAT.

Tim Jeffrie for appearing in the ACT Supreme Court and Court of Appeal on behalf of a Wiradjuri woman in a matter in which she alleged a breach of human rights by the ACT government in failing to provide Aboriginal health assessments in ACT prisons.

Harry Lewis for his work on a range of matters, including several migration matters and an appellate matter concerning apprehended bias in proceedings involving self-represented prisoners.

Adam McBeth for appearing for asylum seekers in a range of migration matters, including High Court matters concerning the 'fast track' status determination process.

Anna O'Callaghan for her work as junior counsel in a complex loan dispute in the Supreme Court, involving five contested hearings and a trial on a preliminary question.

Laurence White for his careful work preparing amended pleadings for a client, without the benefit of any solicitor assistance.

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Susan Crennan AC KC Award

For outstanding achievement in pro bono advocacy undertaken by barristers who are between 7 and 15 years' call but are not Silks.

Darren Bruno for assisting an NDIS participant in an AAT proceeding concerning access to a music therapy device.

Albert Dinelli SC* for his work on the *Stubbings v Jams 2 Pty Ltd* litigation, which resulted in what is now the leading authority on unconscionable conduct in the context of asset-based lending.

David Kelsey-Sugg for appearing in a judicial review application in the Federal Court concerning the meaning of a 'permanent' disability for the purposes of access to the NDIS.

Jonathan Korman for appearing in five substantial Supreme Court matters on behalf of community groups seeking to protect Victoria's native forests.

Evelyn Tadros for her extensive contribution to the Montgomery litigation, which concerned an indigenous man in immigration detention and involved complex constitutional issues.

Alison Umbers for appearing at final hearings in the Federal Circuit and Family Court of Australia in two related bankruptcy matters with a complex history, and assisting to truncate the proceedings.

**The relevant work preceded Mr Dinelli's appointment as senior counsel.*

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Ron Merkel KC Award

For outstanding achievement in pro bono advocacy undertaken by barristers who are more than 15 years' call or who have taken Silk.

Gregory Barns SC for his work in the defence of Julian Assange, including the provision of legal advice to Mr Assange.

Jennifer Batrouney AM KC for her work for Equality Australia in proceedings relating to its tax status, with broader implications for the charity sector.

Tom Danos OAM for his appearance as amicus curiae in the Supreme Court of Victoria in a matter concerning the meaning and scope of 'sexual touching' for the purposes of section 40 of the Crimes Act 1958 (Vic).

Helen Dellidis and **Belle Lane** for appearing for a parent in a complex trial in the Federal Circuit and Family Court relating to a child's access to medical treatment for gender dysphoria.

Juliet Forsyth SC for appearing at a lengthy and complex rehearing in the Queensland Land Court, on behalf of a landholder group who objected to the expansion of a coal mine in the Darling Downs, demonstrating attention to the detail of highly technical Queensland mining laws.

Julian McMahon AC SC for appearing for the Fitzroy Legal Service at the coronial inquest into death in custody of Veronica Nelson, a Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, and more recently ensuring rigorous and thorough representation of the Parumpurru Committee of the Yuendumu Community at the coronial inquest into the fatal shooting of Kumanjayi Walker by a police officer.

Darren Mort for providing his time and expertise to support the To Be Loved Network, an Australian charity seeking to highlight the voices of children in family law disputes.

Anthony Strahan KC for his work on several large and complex pro bono matters, including leading a team acting on behalf of over 100 Indonesian children detained by Australian authorities.

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Public Interest/Justice Innovation Award

For outstanding achievement in pro bono advocacy which has a strong public interest element or has involved a procedural or substantive innovation in the law likely to enhance access to justice.

Angel Aleksov for assisting numerous people involved in migration law matters, by accepting countless pro bono migration briefs and actively mentoring junior practitioners seeking to develop their expertise in this space.

Darren Bruno for assisting an NDIS participant in an AAT proceeding concerning access to a music therapy device.

Stephen Bunce for representing vulnerable migrant workers in underpayment proceedings in the Federal Circuit and Family Court of Australia.

Emily Clark for assisting a non-government organisation to comply with its obligation to produce documents in response to a subpoena, and to be better prepared for future subpoenas.

Helen Dellidis and **Belle Lane** for appearing for a parent in a complex trial in the Federal Circuit and Family Court relating to a child's access to medical treatment for gender dysphoria.

Shannon Finegan for her work on countless pro bono migration matters, including preparing documents and appearing before the AAT, Federal Circuit and Family Court, Federal Court and Full Federal Court.

Felicity Gerry KC and **Daye Gang** for their detailed advices for advocacy organisation Justice for Myanmar, in relation to the legal issues raised by engagement with entities connected to the Myanmar military. One advice formed the basis of an OECD complaint and another prompted public statements by Singaporean and US officials after its release.

Stella Gold for leading complex, ground-breaking litigation representing refugee and asylum seeker families previously detained in Nauru and Papua New Guinea, while also supporting and mentoring other practitioners engaged in similar proceedings.

Min Guo for his dedication to protecting and advancing the rights of people seeking asylum, people in detention, and people facing visa cancellation, including through numerous appearances at merits review hearings in the AAT.

Claire Harris KC, Christopher Tran, Colette Mintz and **Nicholas Baum (with Natasha Hammond** and **Robert White of the NSW Bar)** for their work at first instance and on appeal acting on behalf of Traditional Owners on the Tiwi Islands in a matter successfully challenging government approval of an environment plan submitted by a large oil and gas producer for a drilling campaign as part of the Barossa offshore gas field project.

2023 Victorian Bar Pro Bono Awards

List of Nominees

Public Interest/Justice Innovation Award *continued:*

For outstanding achievement in pro bono advocacy which has a strong public interest element or has involved a procedural or substantive innovation in the law likely to enhance access to justice.

David Kelsey-Sugg for appearing in a judicial review application in the Federal Court, concerning the meaning of 'permanent' disability for the purposes of access to the NDIS.

Jonathan Korman for appearing in five substantial Supreme Court matters on behalf of community groups seeking to protect Victoria's native forests.

Darren Mort for providing his time and expertise to support the To Be Loved Network, an Australian charity seeking to highlight the voices of children in family law disputes.

Emrys Nekvapil SC, Katherine Brazenor, Stephanie Brenker and Nicholas Petrie (led by Noel Hutley SC of the NSW Bar) for their creative and sustained work in novel litigation involving a negligence claim brought on behalf of eight Australian children against the Commonwealth Minister for the Environment, seeking a declaration that the Minister owed them and other Australian children a duty to take reasonable care to protect them from climate change harm.

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Debbie Mortimer SC Award

For outstanding achievement in pro bono advocacy in a Tribunal or the Magistrates' Court

Darren Bruno for assisting an NDIS participant in an AAT proceeding concerning access to a music therapy device.

Gemma Cafarella for her significant work representing disadvantaged clients in a variety of tenancy, human rights and disability discrimination matters at VCAT and NTCAT, and for representing environmental activists at sentencing hearings in the Magistrates' Court.

Shannon Finegan for her work on countless pro bono migration matters, including preparing documents and appearing before the AAT, Federal Circuit and Family Court, Federal Court and Full Federal Court.

Min Guo for his dedication to protecting and advancing the rights of people seeking asylum, people in detention, and people facing visa cancellation, including through numerous appearances at merits review hearings in the AAT.

Alan Marshall for providing representation to a client in proceedings before the Professional Standards Board of the Anglican Church of Australia.

Martin Radzaj for his successful pre-hearing advocacy for an NDIS participant, and his advocacy on behalf of an Australian imprisoned overseas.

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Uncle Jim Berg Award

For outstanding achievement in pro bono advice or advocacy that enhances access to justice for First Nations clients either nationally or in Victoria. This award is named in honour of Uncle Jim Berg, a Gunditjmara man who was co-founder and CEO of the Victorian Aboriginal Legal Service. He founded the Koorie Heritage Trust and has served as a member of the Adult Parole Board and as an elder on the Koori Court. He has had a significant cultural and social justice influence on the Victorian legal profession.

Katharine Brown for her significant contribution to the matter *Waratah v Youth Verdict* [2022] QLC 4, which involved the Queensland Land Court's first on-country hearings, and for her advice to community legal centres acting for First Nations people.

Nick Boyd-Caine for appearing with Claire Harris KC on behalf of a First Nations family at a coronial inquest into the death of a First Nations man, after a failure of health services resulted in the man's death.

Gordon Chisholm for his appearance in a common law serious injury matter.

Tim Farhall for acting in numerous pro bono matters, many for First Nations clients, including discrimination matters and matters arising out of deaths in custody, and for his advice to community legal centres and non-government organisations on issues affecting First Nations people.

Claire Harris KC, Christopher Tran, Colette Mintz and Nicholas Baum (with Natasha Hammond and Robert White of the NSW Bar) for their work at first instance and on appeal acting on behalf of Traditional Owners on the Tiwi Islands in a matter successfully challenging government approval of an environment plan submitted by a large oil and gas producer for a drilling campaign as part of the Barossa offshore gas field project.

Tim Jeffrie for appearing in the ACT Supreme Court and Court of Appeal on behalf of a Wiradjuri woman in a matter in which she alleged a breach of human rights by the ACT government in failing to provide Aboriginal health assessments in ACT prisons.

Julian McMahon AC SC for appearing for the Fitzroy Legal Service at the coronial inquest into the death in custody of Veronica Nelson, a Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, and more recently ensuring rigorous and thorough representation of the Parumpurru Committee of the Yuendumu Community at the coronial inquest into the fatal shooting of Kumanjayi Walker by a police officer.

Peter Willis SC, Matthew Albert, Angel Aleksov and Evelyn Tadros (led by Justin Gleeson SC of the NSW Bar in the HCA) for their dedicated work in complex litigation on behalf of Mr Shayne Montgomery, a First Nations man of the Mununjali Peoples who was being held in immigration detention pending deportation, resulting in his release when (following oral argument in the High Court, but before judgment) the Commonwealth Government withdrew its challenge.

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Equality Award

For outstanding achievement in pro bono advocacy that furthers the rights or interests of a disadvantaged and/or minority group. This includes racial or religious minorities, homeless people, people with a disability, refugees, prisoners, LGBTQIA+ people, and women.

Angel Aleksov for assisting numerous people involved in migration law matters, by accepting countless pro bono migration briefs and actively mentoring junior practitioners seeking to develop their expertise in this space.

Jennifer Batrouney AM KC for her work for Equality Australia in proceedings relating to its tax status, with broader implications for the charity sector.

Nick Boyd-Caine for appearing with Claire Harris KC on behalf of a First Nations family at a coronial inquest into the death of a First Nations man, after a failure of health services resulted in the man's death.

Gemma Cafarella for her significant work representing disadvantaged clients in a variety of tenancy, human rights and disability discrimination matters.

Emily Clark for assisting a non-government organisation to comply with its obligation to produce documents in response to a subpoena, and to be better prepared for future subpoenas.

Helen Dellidis and Belle Lane for appearing for a parent in a complex trial in the Federal Circuit and Family Court relating to a child's access to medical treatment for gender dysphoria.

Tim Farhall for acting for First Nations people in various discrimination matters and matters arising out of deaths in custody.

Shannon Finegan for her work on countless pro bono migration matters, including preparing documents and appearing before the AAT, Federal Circuit and Family Court, Federal Court and Full Federal Court.

Min Guo for his dedication to protecting and advancing the rights of people seeking asylum, people in detention, and people facing visa cancellation, including through numerous appearances at merits review hearings in the AAT.

David Kelsey-Sugg for appearing in a judicial review application in the Federal Court, concerning the meaning of 'permanent' disability for the purposes of access to the NDIS.

Adam McBeth for appearing for asylum seekers in a range of migration matters, including High Court matters concerning the 'fast track' status determination process.

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Pro Bono Team Excellence Award

*For outstanding achievement in
pro bono advocacy by a team of at
least three barristers.*

Albert Dinelli SC and **Angus Christophersen (led by Noel Hutley SC of the NSW Bar)** for their work representing a client at a special disadvantage, across the entire course of litigation ultimately reaching the High Court of Australia, in a matter concerning unconscionable conduct in the context of asset-based lending.

Claire Harris KC, Christopher Tran, Colette Mintz and Nicholas Baum (with Natasha Hammond and Robert White of the NSW Bar) for their work at first instance and on appeal acting on behalf of Traditional Owners on the Tiwi Islands in a matter successfully challenging government approval of an environment plan submitted by a large oil and gas producer for a drilling campaign as part of the Barossa offshore gas field project.

Fiona McLeod AO SC, Melanie Szydzik SC, Lindy Barrett, Joanna Dodd, Shanta Martin, Stephanie Brenker, Julian Murphy, Julia Wang, Katharine Brown and Tom Rawlinson for their work on ongoing class action litigation brought on behalf of First Nations peoples in respect of whether a duty of care is owed by the Commonwealth to take reasonable steps to protect Torres Strait Islander peoples from harms caused by climate change.

Emrys Nekvapil SC, Katherine Brazenor, Stephanie Brenker and Nicholas Petrie (led by Noel Hutley SC of the NSW Bar) for their creative and sustained work in novel litigation involving a negligence claim brought on behalf of eight Australian children against the Minister for the Environment seeking a declaration that the Minister owed them and other Australian children a duty to take reasonable care to protect them from climate change harm.

Peter Willis SC, Matthew Albert, Angel Aleksov and Evelyn Tadros (led by Justin Gleeson SC of the NSW Bar in the HCA) for their dedicated work in complex litigation on behalf of Mr Shayne Montgomery, a First Nations man of the Mununjali Peoples who was being held in immigration detention pending deportation, resulting in his release when (following oral argument in the High Court, but before judgment) the Commonwealth Government withdrew its challenge.

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Victorian Bar Pro Bono Trophy

For outstanding individual achievement in pro bono advocacy over a long period.

Past Winners

2010	Julian Burnside AO QC
2011	Debbie Mortimer SC
2012	William Alstergren QC
2013	Paul Bingham
2014	Brian Walters AM QC
2016	Christopher Horan QC
2019	Michael Gronow QC
2021	Matthew Albert

Gregory Barns SC for his dedicated work in the defence of Julian Assange, including the provision of legal advice to Mr Assange.

Shannon Finegan for her work on countless pro bono migration matters in a short time at the Bar, including in the AAT, Federal Circuit and Family Court, Federal Court and Full Federal Court.

Min Guo for his tireless dedication to protecting and advancing the rights of people seeking asylum, people in detention, and people facing visa cancellation, including through numerous appearances at merits review hearings in the AAT.

Claire Harris KC for her significant and sustained commitment to pro bono work over the past two decades, including in landmark anti-discrimination and judicial review matters, and her mentorship of junior barristers working on pro bono matters.

Jonathan Korman for his longstanding commitment to pro bono work on behalf of environmental causes, including by recently appearing in five substantial Supreme Court matters on behalf of community groups seeking to protect Victoria's native forests.

Julian McMahon AC SC for his decades of pro bono service, including acting for Australians facing the death penalty overseas and most recently ensuring rigorous and thorough representation of Aboriginal voices at the coronial inquest into the fatal shooting of Kumanjayi Walker by a police officer.

Emrys Nekvapil SC for his indefatigable commitment to pro bono advocacy, in particular his courageous and creative advice and representation in matters concerning First Nations and environmental justice.

Anna O'Callaghan for her work as junior counsel in a complex loan dispute in the Supreme Court, involving five contested hearings and a trial on a preliminary question.

Anthony Strahan KC for his work on several large and complex pro bono matters over many years, including leading a team acting on behalf of over 100 Indonesian children detained by Australian authorities.

The Victorian Bar has a proud culture and tradition of providing pro bono assistance, which gives vulnerable members of the community the opportunity to access justice and pursue their rights under Australian law. The Victorian Bar Pro Bono Awards recognise barristers who make an outstanding contribution representing parties on a pro bono basis. Our Pro Bono Scheme was established in 2000 to formalise the process and further the reach of and access to the pro bono work carried out by our barristers. Around 1000 members of the Victorian Bar participate in the Scheme, which is supervised by the Pro Bono Committee and administered by Justice Connect.



VICTORIAN BAR

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