

GREENS LIST

BARRISTERS



BRIND ZICHY- WOINARSKI QC

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EXPERTISE

Commercial Law | Corporations Law & Securities Law | Criminal Law | Industrial Relations Law & Employment Law | Public Law & Administrative Law

PROFILE

A significant part of Brind Woinarski's practice is in criminal law, especially in "white collar" crime and associated areas, in all jurisdictions. He has appeared as both defence counsel and prosecutor in all areas of criminal law including committals, trials and appellate jurisdictions. In recent years this has involved consideration of liability under the Corporations Act 2001, including the insider trading provisions, as well as consideration of Australian and overseas bribery legislation and the application of United Nation sanctions. He has been involved in major equal opportunity and anti-discrimination cases and significant occupational health & safety prosecutions and environment protection matters, both prosecuting and defending. Since 2000 he has been briefed in a number of significant tax audits, both for the ATO and taxpayers, and has advised taxpayers with respect to potential criminal liability. He has also appeared and advised in many professional disciplinary matters and with respect to other regulatory bodies. He is an experienced appellate advocate at all levels, including the High Court. He is a former Chairman of the Criminal Bar Association of Victoria and was the Chairman of the Ethics Committee of the Victorian Bar from 1993-1999. He is a regular presenter on ethical issues. He is joint author of Paul's Police Offences (5th Ed), and is a Consultant Editor to "Criminal Law,

Investigation and Procedure Victoria".

The width of his practice and experience can be seen from just some of the matters in which he has appeared.

High Court of Australia

AB and EF v CD [2018] HCA 58 (earlier proceedings [2017] VSC 350; [2018] VSCA338), as amicus curiae in all proceedings – the 'Lawyer X' case, a barrister as an informer.

Mansfield and Kizon v The Queen (2012) 247 CLR 86 (on appeal from Western Australian Court of Appeal (2011) 251 FLR 286) – insider trading; can 'false information' be information.

Braysich v R (2011) 243 CLR 434 - false and misleading appearance of trading in securities

The Queen v Elliott and ors (1996) 185 CLR 250 – power of the National Crime Authority; admissibility of evidence.

Re Tracey; Ex parte Ryan (1989) 166 CLR 518 – constitutional law; validity of provisions of the Defence Force Discipline Act 1982 (Cth).

Killick v The Queen (1981) 147 CLR 565 – reopening Crown case (junior counsel to G. Hampel QC, as he then was).

R v Ward (1980) 142 CLR 308 (on appeal from Supreme Court of Victoria [1979] VR 205) – murder; constitutional law concerning the border between Victoria and New South Wales (junior counsel to M. Kelly QC, as he then was).

Federal Court of Australia

Commissioner of Taxation v Pratt Holdings Pty Ltd [2003] FCA 6 (Kenny J); Pratt Holdings Pty Ltd v Commissioner of Taxation (2004) 136 FCR 357 (FCAFC) – legal professional privilege.

Herald & Weekly Times Ltd v Williams (2003) 130 FCR 435 (on appeal from Williams v Forgie (2003) 54 ATR 236)) – prohibition on publication of name of taxpayer.

Victorian Council for Civil Liberties Inc and Vadarlis v Minister for Immigration & Multicultural Affairs (2001) 110 FCR 452 (North J); Ruddock v Vadarlis (2001) 110 FCR 491 (FCAFC) ("the Tampa Case"), intervening on behalf of Amnesty International Limited -immigration; habeas corpus.

Macedonian Teachers' Association of Victoria Inc v Human Rights and Equal opportunity Commission and State of Victoria (1998) 91 FCR 8 (Weinberg J); Victoria v Macedonian Teachers' Association Inc (1998) 91 FCR 48 (FCAFC); (special leave to appeal refused) – discrimination; Racial Discrimination Act 1975 (Cth).

Supreme Court of Victoria

R v ONA (2009) 24 VR 197 – sentencing child sex offender where offence committed outside Australia; constitutional law – inconsistency between Commonwealth and State legislation.

Catch the Fire Ministries Inc v Islamic Council of Victoria (2006) 15 VR 207 (on appeal from [2004] VCAT 2510 and [2005] VCAT 1159) – religious vilification.

Kapoor v Monash University (2002) 4 VR 483 – equal opportunity; discrimination; employment.

Keown v Khan [1999] 1 VR 69 – challenge to coronial findings; Coroners Act 1958 (Vic).

R v Wilson and Grimwade [1995] 1 VR 163 – lengthy criminal trial.

R v Neilan [1992] 1 VR 57; (1991) 52 Crim A R 303 (the full judgment) – murder appeal.

Supreme Court of Western Australia

R v Catena (No 3) [2013] WASC 97 – meaning and effect of s.68 Australian Securities and Investments Commission Act 2001 (Cth).

Supreme Court of the Northern Territory

R v LB (2011) 163 NTR 1; (2011) 246 FLR 466 – validity of Australian Crime Commission summons to give evidence.

Victorian Civil Administrative Tribunal

Legal Services Commissioner v Kiatos (Legal Practice) [2013] VCAT 1152 – professional misconduct; falsely attesting two signatures.

Legal Services Commissioner v Coldham & ors (Legal Practice) [2012] VCAT 74 – professional misconduct; retaining monies received for disbursements for indefinite period and using same as working capital of firm.

Victorian Legal Profession Tribunal

The Victorian Bar Inc v Herskope [2004] VLPT 14 -misconduct; implied undertaking Harman v Home Office [1983] 1 AC 280.

Other Matters

Royal Commission of inquiry into Chamberlain Convictions: junior counsel to J. Winneke QC (as he then was) for the Chamberlains.

He was a Senior Fellow (Melbourne Masters) at the University of Melbourne, teaching Tax and Crime in 2015.

To get in touch with Brind Zichy-Woinarski QC | or for more information please contact the

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