

ERIN HILL

BARRISTER

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AREAS OF PRACTICE

- Appellate
- Common Law
- Commercial Law
- Competition and Consumer Law
- Criminal Law
- Family Law
- Guardianship
- Inquests, Inquiries, Tribunals and Commissions
- Public Law and Administrative Law

EDUCATIONAL QUALIFICATIONS

2008: LL.B (Australian National University), BA (Australian National University)

12 December 2008: admitted to practice as an Australian Legal Practitioner, Supreme Court of the Australian Capital Territory

2011: LL.M (Legal Practice) (Australian National University)

25 October 2012: Signed Victorian Bar Roll

MATTERS

I practise in a diverse range of practice areas and appear in all Victorian state courts and tribunals, and the Federal courts. My practice includes prosecution and defence work in criminal law, inquiries, regulatory proceedings, property and children's matters in family law, and personal injury cases. Along with advice work I regularly appear in court in city, suburban and regional areas, led and unled.

Royal Commission, inquiry and review experience:

April 2020 – April 2021:

Review of the Agent Model into the Administration and Management of Complex Claims, Counsel Assisting the Independent Reviewer, Peter Rozen QC.

The Agent Review responds to the recommendation of the Victorian Ombudsman's follow-up report into complex workers' compensation claims in Victoria, *WorkSafe 2*, published in December 2019. WorkSafe Victoria generally delegates the administration and management of claims and premium functions to insurance companies which act as claims agents. The Agent Review inquired into agent conduct and decision making which have been a source of complaints to WorkSafe Victoria and the Ombudsman.

January 2019 – December 2020:

Royal Commission into Aged Care Safety and Quality, Counsel Assisting. Led by Dr Timothy McEvoy QC (now the Hon. Justice McEvoy), Peter Gray QC and Peter Rozen QC.

My responsibilities as counsel assisting included leading evidence from witnesses, drafting submissions and the preparation of reports. I appeared in many public hearings that were conducted in capital cities and regional centres, along with virtual hearings. In addition to supporting senior counsel assisting, I led evidence from witnesses with lived experience of the aged care system, along with professional, academic, and expert witnesses, in individual and in panel format. I also participated in community fora and attended site visits, including to residential and community aged care facilities, with commissioners.

October – December 2018:

A review into the Office of Public Prosecution's prosecution of Peter Glenn Pryse 1997 – 1999, with a consideration of changes to the consultative processes involving victims and of changes to recording and documentation processes at the Office of Public Prosecutions. Led by Jeremy Ruskin QC.

This review was commissioned by the Solicitor for the Office of Public Prosecutions (Victoria) following the publication of an article in *The Age* newspaper regarding the failure of the Office of Public Prosecutions to keep a proper record and to communicate with teenage complainants in a sexual assault case in regional Victoria in 1999.

Criminal law matters include:

Callum McGee (a pseudonym) v The Queen [2020] VSCA 146, interlocutory appeal concerning a stay application brought by the Accused in respect of historical sex offences, led by Dr Nanette Rogers S.C, Senior Crown Prosecutor.

May 2018: *R v Humphrey John Polycarp Gomes*, Supreme Court of Tasmania before Estcourt J, acting for the accused, a general medical practitioner charged with multiple counts of dishonestly obtaining financial advantage under the *Commonwealth Criminal Code* 1995 in respect of claims made under the Medicare scheme, led by Dr Timothy McEvoy QC.

February – September 2018: *Operation Kursk*. *Operation Kursk* concerned the prosecution of eleven co-accused charged with high, mid and low-level drug trafficking offences, weapons, driving and dishonesty offences in North Eastern Victorian, primarily in Wangaratta, in the Magistrates' and County Court of Victoria, led by Max Perry.

28 July 2015 – August 2017: *Operation Juliet 1*. *Operation Juliet 1* concerned the prosecution of twenty-seven co-accused charged with high, mid and low-level drug trafficking offences, the manufacture of methamphetamines, trafficking of firearms and other weapons, driving and dishonesty offences in North Eastern Victoria, primarily in Wangaratta, in the Magistrates' and County Court of Victoria. See for example: *DPP v Fogarty* [2016] VCC 207, led by Max Perry.

Since 2013: Subpoena arguments, including claims of public interest immunity on behalf of Office of the Chief Commissioner of Victoria Police, along with personal safety and family violence intervention order applications and firearms related matters.

Since November 2012: Prosecution of matters for the Victorian Director of Public Prosecutions in the Magistrates' Court of Victoria, and County Court of Victoria including trials, pleas, contested hearings, applications, appeals.

Other criminal and quasi criminal work includes various prosecution and defence work for offending under the *Prevention of Cruelty to Animals Act 1996*. Along with applications brought under section 85B of the *Sentencing Act 1991* (acting for both the offender and applicant), *Victims of Crime Assistance Act 1996*, matters under the *Children, Youth and Families Act 2005* and intervention order proceedings.

Common law matters include:

Crick v Transport Accident Commission [2019] VCC 46, serious injury application concerning a back injury and transport accident, differing medical opinions, led by Danny Masel S.C.

Notman v Wesfarmers & Anor [2016] VSC 457, entitlement to contribution between insurers under section 23B of the *Wrongs Act 1958*, led by Christopher Blanden QC.

Bonilla v Transport Accident Commission [2015] VCC 1548, serious injury application concerning the aggravation of pre-existing mental health problems, disentanglement of injury, credit issues, led by Andrew Moulds QC.

Danilo Saric v Chubb Security Australia Pty Ltd [2015] VCC 271, serious injury application related to a psychiatric injury sustained at work, delay in originating motion being issued, including an application under section 23A *Limitations of Actions Act 1958*, led by Kerri Judd QC.

Victorian Workcover Authority v Everspur Pty Ltd (T/A Pierce Plumbing) 2014, before Zammit AsJ, recovery action by the Victorian Workcover Authority against an employer under section 138 *Accident Compensation Act 1985*.

Victorian Workcover Authority v Centro Property Management (Vic) [2013] VSC 587, recovery action by the Victorian Workcover Authority against an employer under section 138 *Accident Compensation Act 1985*, duty of care owed by defendant to worker, apportionment of liability, led by Christopher Blanden QC.

Agalidis v Topouzoglou [2013] VCC 851, common law damages trial, *Wrongs Act 1958*, duty of care, plaintiff failed to establish breach of duty of care by the defendant, led by Christopher Blanden QC.

Experience in other matters includes applications under the *Guardianship and Administration Act 2019*, medical board proceedings, compensation claims brought under the *Residential Tenancies Act 1997*, compulsory examination under the *Australian Consumer Law and Fair Trading Act 2012* in respect of suspected breaches of the *Australian Consumer Law (Victoria)*.

OTHER PROFESSIONAL EXPERIENCE

1 December 2020: Accredited Advocacy Instructor

July 2019: Advocacy Instructor, Victorian Bar delegation to the Legal Training Institute, Port Moresby, Papua New Guinea

Since 2019: Appointment to International Advocacy Training Committee, Victorian Bar

2018, 2019, 2021: Appointment to Student Engagement Committee, Victorian Bar

June 2018: Indictable Crime Certificate

16 November 2018: Elected to Victorian Bar Council

Semester One 2018: Sessional Teaching Associate, LAWS5355 Advocacy, Monash University

16 November 2017: Elected to Victorian Bar Council

2016: Appointment to Pacific Rim Committee, Victorian Bar

August 2009 – August 2012: Senior Associate to the Honourable Justice Elizabeth Hollingworth, Supreme Court of Victoria

May – August 2009: Legal Advisor, Legal Services Department, Victoria Police

September 2008 – February 2009: Associate to His Honour Magistrate Grant Lalor, Australian Capital Territory Magistrates' Court

OTHER EXPERIENCE

April 2013 – April 2015: Appointment to Young Alumni Council, Australian National University

May 2013 – November 2015: Melbourne Alumni Network Leadership Committee, Australian National University

July – September 2011: Reprieve Australia intern at the Louisiana Capital Assistance Center, New Orleans, LA, United States of America