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## Michael Chilcott

m: 0438 200 674  
p: 1800 959 885  
e: michael.chilcott@proximity.com.au

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### BACKGROUND

Michael is a senior workplace relations lawyer who has significant experience managing the full range of industrial relations, workplace and health and safety matters. He is a trained mediator and uses these skills to where appropriate to help clients avoid costly litigation and negotiate fair settlements. Michael also assists organisations with cultural change to remove or reduce issues such as sexism and discrimination long term.

Michael has significant experience in administrative law, employment law, investigations, the criminal law, regulatory law, governance and management.

Michael has specialist skills in:

Industrial relations and employment matters including enterprise bargaining, employment contracts, performance management, Code of Conduct and discipline investigations and processes, termination cases and the application of redundancy processes.

Compliance with anti-discrimination and equal opportunity legislation, including workplace policy formulation and implementation.

Dispute resolution and litigation including cases involving alleged breaches of anti-discrimination legislation, sexual harassment, bullying and unlawful termination, including advice on strategy and risk management.

Michael is based in Canberra and has a current NV1 security clearance.

### KEY EXPERIENCE

#### **ACT Deputy Director of Public Prosecutions**

Michael's responsibilities in this role were to oversee the management of the Office and the delivery of its services. This required overseeing its professional practice, finance, people management, governance and information technology. Michael led the restructure of the office, the refreshment of policy and practices and the selection and development of a case management system.

He had many additional responsibilities, including:

- › Exercising statutory functions as delegated such as the decision to proceed with charges on indictment, making decisions to institute appeals and deciding to discontinue prosecutions
- › The provision of legal advice to the Director, the Australian Federal Police and government agencies
- › Foster effective relationships with other criminal justice agencies and represent the Director
- › Contribute to the development of legal policy on matters within the criminal justice system, including the reform to the prosecution of sexual offences and case management practices in the ACT Magistrates Court.

Michael acted as the Director of Public Prosecutions for a period of 9 months.

### **Director Legal, Australian Federal Police Legal Counsel, Australian Federal Police**

Michael led the growth of a small legal team and established the foundation as a key area in the current structure of the Australian Federal Police. In doing so, he developed an operating and management structure that formed the foundation of its current structure, developed practices and procedures for the purchase of external legal services, led and mentored a team of lawyers. He had oversight of the procurement and commercial practice and an information management team, which included the provision of advice in relation to secrecy provisions and the release of information under the freedom of information legislation.

In addition, he undertook and was responsible for:

- › The provision of advice on legal issues affecting the AFP including on employment issues, litigation, investigations, commercial arrangements, discipline and integrity issues, internal governance and disclosure of information
- › Providing advice to the Commissioner, his Deputies and the ACT's Chief Police Officer
- › Managing a discretionary budget
- › Exercising delegations for the settlement of claims against the Commonwealth as well as other financial and personnel delegations.
- › Contributing to policy development, including the AFP employment framework and governance arrangements and the AFP Act and associated legislation.
- › Liaising and consulting with stakeholders
- › Oversighting the litigation involving the AFP
- › Advised on governance issues
- › Appearing as counsel before Tribunals
- › Advising on risk management and governance

### **Australian Federal Police Association**

Working as a Consultant, Michel's primary focus is on employment issues that arise between members and the Australian Federal Police. These include matters concerning alleged breaches of the Code of Conduct, matters arising from the enterprise agreement, application to the Fair Work Commission, Comcare matters, discrimination issues and advocacy before the Fair Work Commission.

The role is varied. One aspect of it involves assessing alleged breaches of the AFP's Code of Conduct, ensuring that clients are given a fair hearing, that the AFP's assessment of the evidence accords with the appropriate standard of proof and legislative and governance requirements, The range of cases varies considerably from allegations by alleged victims or perpetrators of discrimination, harassment, unreasonable management action. Michael considers and suggest changes to the AFP to its governance regime to improve the administrative law processes for members.

Sometimes these cases result in decisions to terminate the employment of employees. Action may then be brought in the Fair Work Commission. Michael appears as counsel before the Commission. The Commissioner will invariably be

invited to consider the AFP's adherence to administrative law principles during its decision making and investigative processes.

#### **Australian Government Solicitor**

Michael was an advocate in the office of the Australian Government Solicitor providing general advice on public sector employment issues and appearing before various courts and tribunals. His areas of practice included public sector discipline and employment law, public interest immunity, police employment, discipline and integrity issues, and release of information (such as freedom of information and secrecy provisions).

He provided legal services to an agency in respect of a judicial inquiry, which involved a consideration of significant and sensitive matters of a factual, corporate and policy nature. His clients were a variety of government departments and agencies including the Australian Federal Police, security and intelligence organisations, CSIRO, Bureau of Statistics and Aboriginal Hostels Corporation.

#### **OTHER GOVERNMENT LAW EXPERIENCE**

#### ***Chair, Deputy Chair and Member of the ACT Sentence Administration Board***

Michael has extensive experience in statutory and evidence-based decision making. This experience was exercised when he served on the Sentence Administration Board considering applications concerning parole and other sentences.

#### ***Independent Merits Assessor***

Michael was appointed by the then Minister for Immigration to undertake reviews of decisions to refuse refugees protection visas. This involved factual and legal assessment of these matters and conducting formal interviews with claimants before making recommendations to the Minister.

#### ***Consultant***

As a consultant, Michael conducted reviews and investigations for several government agencies relating to breaches of Codes of Conduct, bullying and harassment and gender issues. Michael has also trained as a mediator

#### ***Prosecutor***

Michael has extensive experience as a prosecutor having worked for the Commonwealth, ACT and Tasmanian Directors of Public Prosecutions. This taught him the value of evidence based decision making and the presentation of cases before magistrates, judges, juries and appellate courts. He has extensive experience as a Crown Counsel and trial advocate in those jurisdictions.

- QUALIFICATIONS AND MEMBERSHIPS**
- › Bachelor of Laws (University of Tasmania)
  - › Solicitor and Barrister - admitted in Tasmania and ACT
  - › LEADR Mediation Course 2010
  - › Member of Resolution Australia
  - › Former President of the ACT Branch of the Australian Corporate Lawyers Association
  - › ACT Law Society – Unrestricted In-House Practicing Certificate