

The Hon Justice Robert Bromwich

Justice Bromwich was sworn-in as a judge of the Federal Court on 21 March 2016. Noel Hutley SC spoke on behalf of the New South Wales Bar.

Justice Bromwich was born in Darwin in 1961 and educated at Larrakeyah Primary School and Darwin High – making him the first Federal Court judge to be born and raised in the Top End. His father, the late Alan Bromwich OBE RFD KStJ, had answered two job advertisements for a surgeon – one in Rhodesia, the other in Darwin. Fortunately, he chose the latter and the Bromwich family arrived in what was then the sleepy capital of the Top End on Boxing Day 1958. For some period of time Alan Bromwich was the only surgeon in the Northern Territory and in 1975 he led the surgical response to the devastating aftermath of Cyclone Tracy.

His Honour studied economics and law at Macquarie University. He did a summer clerkship at the firm of Baker & McKenzie. Following his graduation in 1984, and subsequent admission as a solicitor of the Supreme Court, he went on to work at that same firm.

In October 1985 he moved to the Sydney office of the Commonwealth DPP to work in its civil remedies area. In 1988 his Honour was seconded to the newly established Independent Commission Against Corruption, then under the direction of Ian Temby QC.

In May 1990 his Honour returned to the Sydney Office of the Commonwealth DPP and in September the following year he was made senior assistant director, with responsibility for all tax, Medicare fraud and fisheries prosecutions.

In 1995 his Honour became in-house counsel at the Commonwealth DPP. He was involved directly in a number of special leave applications and appeals before the High Court, among them was *R v Brownlee* (*Brownlee v R*).

His Honour was called to the New South Wales Bar in 1998. He read with Geoffrey Johnson and Graham Turner. His Honour was briefed by the Commonwealth in numerous, complex criminal cases, particularly drug importation and insider trading matters. A notable example of the latter was *Hannes v DPP* (Cth), an appeal before the CCA involving a Macquarie Bank trader.

In the finest traditions of the bar, his Honour also appeared for the accused – many facing charges brought by the organisation he once worked for and would ultimately go on to lead. In *Campbell's Case* his Honour, led by Tim Game SC, defended Belinda Campbell, the owner of a furniture shop who imported items from Indonesia, which were found upon Customs inspection to contain narcotics. The decision handed down in the Court of Criminal Appeal remains a precedent on 'knowingly concerned', 'import' and 'intent'. He defended Ajay Rochester, hostess of Australia's Biggest Loser on 23 charges of

defrauding Centrelink. There were migration and Fair Work matters as well.

Coronial inquests were an important area of practice. In 2009 he was counsel assisting the inquiry into the death of Rebekah Lawrence, who threw herself from an office tower in Macquarie Street. In 2012 he was counsel assisting the coronial inquest into the disappearance of toddler Rahma El-Dennaoui.

His Honour was perceived by his peers and by senior counsel as enthusiastic and pro-active – one who proffered views via streams of email and Post-it notes. This led Hastings QC to describe him as a 'noisy junior'.

A great many of his Honour's former readers and colleagues describe him as indefatigable. It was not unusual for his Honour to appear in court all day without having had lunch. A number of solicitors called this the Bromwich Diet. There's an apocryphal story that when his Honour broke his reading glasses shortly before commencing a case in the Federal Court, he appeared at the bar table reading with the aid of swimming goggles.

His Honour took silk in 2009.

In December 2012 his Honour was appointed as the 7th Commonwealth DPP, replacing Chris Craigie SC. There is widespread respect for his achievements as director, including fostering gender diversity through flexible work practices. Significantly, 20 per cent of lawyers work part-time, something that gives the CDPP an enormous competitive advantage in retaining talented women.

His Honour made robust decisions, many of them under the duress of budget cuts. He replaced the decades-old state and territory based structure of the CDPP with authentically national practice groups, headed by deputy directors.

It is further worth noting that while serving as Commonwealth DPP, his Honour appeared at the bar table in not less than 40 matters. Most were heard in state appellate courts. Among these was *Lukas Kamay v R*, involving an appeal by the NAB banker convicted of insider trading and who was given what was, until recently a record sentence. Others, such as *Pasquale Barbaro v R* and *R v Vu Lang Pham*, were before the High Court.

Speaking on behalf of the bar, President Noel Hutley SC described Bromwich J as 'a much-respected former Commonwealth DPP with exceptional expertise in federal criminal law, most notably with fraud and insider trading cases – one of a select group comprised of Tim Game SC, Wendy Abraham QC and Sarah McNaughton SC.'