

Swearing in of Wendy Jane Abraham QC as a Judge of the Federal Court of Australia

Justice Wendy Abraham was appointed a Judge of the Federal Court on Tuesday, 7 May 2019 in a ceremonial sitting of the Court by Chief Justice James Allsop. It was a moving occasion.

In attendance were Mr Markus on behalf of the Attorney-General Mr Porter MP, Mr Michael McHugh SC Senior Vice-President of the NSW Bar and Mr Arthur Moses SC who spoke on behalf of the Law Council of Australia and the NSW Law Society. There was a full attendance of the profession.

Justice Abraham graduated in 1982 with LLB (Hons) from the University of Adelaide and was admitted to the South Australian Bar in December 1982. Her Honour was appointed Queen's Counsel of the state of South Australia in December 1998. She was one of the youngest in that state to take those post nominals.

Between 1983 to May 2005 her Honour practiced with the South Australian Office of the Director of Public Prosecutions, and from 1995 as its Associate Director.

Her Honour was called to the New South Wales Bar in June 2005 and had maintained a national appellate practice, primarily in criminal law matters. Between 2005 to 2009, her Honour appeared full-time as national counsel for the Commonwealth Director of Public Prosecutions.

Her Honour's appointment to the Federal Court represents the culmination of what has been a distinguished career in the Law in South Australia and later in New South Wales at the Sydney Bar. The presence of many members of the judiciary and the legal profession on the day was a testament to the high regard in which she was held as a practitioner. Particularly noteworthy were the attendances of the Honourable Justice Brian Preston, Chief Judge of the Land and Environment Court, Mr Michael Sexton SC, Solicitor-General of New South Wales, among other sitting judges, retired judges and distinguished members of the legal profession.

Her Honour's family and friends were also in court to witness the day, in particular her brothers Bradley and Simon and their families, her aunts Moreen and Jeanette, and her uncle Brian. A matter of added



significance was that it coincided with her Honour's late father's birthday and he would have been 90 years old. It was an element of serendipity remarked upon in the ceremony.

Mr Markus observed the qualities and experiences that have shaped her Honour's significant work to date. These matters no doubt, will have a bearing on the contribution that she will make to the Federal court in the future.

Her Honour remembered her parents who were strong promoters of her academic and professional pursuits. Her parents gave her and her siblings the opportunity to do their very best. Shortly following her admission, her Honour commenced as a Crown Prosecutor in the South Australian office of the Director of Public Prosecutions.

From 2009 until her appointment to the Court, her Honour practiced from 12 Wentworth/Selborne Chambers in Sydney after her years at the Adelaide Bar.

During that time her Honour's practice was primarily in appellate work, and encompassed broader criminal work and appearing for the Commonwealth DPP. Her Honour's career is marked by a series of significant contributions to the law and legal profession, including conducting a number of South Australia's most complex criminal trials some of which attracted significant media attention, including the Snowtown trial.

Her Honour advised the Victorian Parliament Law Reform Committee and the Australian Law Reform Commission in respect of improving the use of DNA evidence in criminal proceedings.

Her Honour's work included numerous appearance before the High Court of Australia: in total 19 Full High Court appeals and over 100 special leave applications.

Her Honour has been a passionate teacher of advocacy in legal profession throughout her career. It was noted that her Honour



has been in high demand for presentations at seminars and conferences in her specialty fields, and has given generously of her time for lectures and continuing legal education sessions for various organisations.

As a prosecutor, it was observed, her Honour demonstrated a commitment to victims in the judicial process, with an ability to explain the law succinctly. These skills will no doubt continue to develop on the Bench and earn her Honour a wonderful place in the minds of the public.

In addition to her intellect and an impressive work ethic, her Honour is known for being a great friend and mentor to many at the Bar, in particular junior women. This is a statement of her Honour's generosity of spirit combined with expertise on varied subjects.

Her Honour's Commonwealth matters included tax fraud, white collar crime and

commercial prosecutions, and a number of rare offences for which her Honour ably assisted both juries and the Bench, which included: sex slavery, people smuggling and terrorism related offences.

Her Honour's appointment to this Court is a testament to decades of hard work and unwavering dedication to the law and justice. Her Honour's attitude to work has exemplified the higher values of the legal profession as a whole. It was remarked that her Honour's mix of personal qualities of generosity, discipline and regard for others have seen her excel in her career to date.

Her Honour has been described by colleagues in chambers as exhibiting a refined and classic elegance. New colleagues on the Court may come to know her Honour's personal interests and preferences: the enjoyment of theatre, a glass of shiraz, a love of cricket, and of course the Adelaide

Crows. The Federal Court of Australia will be well served by Justice Abraham's intellect, personal integrity and discipline.

Her Honour expressed her gratitude to the Hon. Brian Martin QC, then Crown Prosecutor, later Justice Martin of the Supreme Court of South Australia, and the Chief Justice of the Northern Territory, who gave her the opportunity to be a prosecutor in 1983.

Her Honour recalled with gratitude Paul Rofe QC, who was the South Australian Director of the DPP in 1995 when she was appointed Associate Director and its Deputy Director. Her Honour recalled the challenges. Her memory of him was that she learned so much and it was a privilege to work with him. He passed away some years ago. He would have been happy for her that day.

Her Honour also recalled the eminent female silk and first Supreme Court judge in the country, Dame Roma Mitchell. While she was a junior prosecutor, the Hon. Catherine Branson AC QC, a former judge of the Federal Court, had been appointed a Crown Solicitor. These, and other women, have been role models for her Honour and have inspired her.

In 2005, when Damian Bugg QC, then Commonwealth Director of Public Prosecutions, offered her the opportunity to move to New South Wales to have a national practice on retainer to his office, the decision was relatively easy. It was a wonderful chance to broaden her Honour's professional horizons, both as to the scope of her practice, and the courts before which she would appear.

Her Honour then echoed that which the Hon. Ruth McColl AO SC observed recently at her retirement ceremony: "There is work being done by strong women and men in both ranks of the profession moving towards the goal of true equality." The number of female silks in New South Wales has improved but there is still a long way to go to achieve equality.

Her Honour also thanked the Hon. Justice Bromwich, the then Director, who she noted was the only person to brief her on Christmas day.

Her Honour presciently observed that in the practice of a barrister, one is in a very public profession. Often a heavy burden is placed on the shoulders of counsel. In court, one is at the mercy of the judge of the day - something that her Honour vowed to remember and of which to be continually conscious.

Kevin Tang

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