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| A person in a suit and tie  AI-generated content may be incorrect. | **Admissions**Senior Counsel: 2024Barrister: 2010Solicitor: 1999 |

**Qualifications**

BA (Hons), Australian National University (1995)

LLB, Australian National University (1996)

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| **Areas of Practice**Criminal lawInquests and inquiriesWorkplace health and safety |  |

**Biography**

Rob came to the Bar in 2010 and has since established a practice specialising in criminal law, coronial inquests and inquiries, and workplace safety matters.

Rob regularly appears on behalf of prosecuting agencies including the Commonwealth Director of Public Prosecutions, the Office of the Director of Public Prosecutions (NSW), the Environmental Protection Authority, the Office of Environment and Heritage, National Resources Access Regulator (and its predecessors) and the Department of Primary Industries in Local Court hearings, District Court and Supreme Court trials, sentence hearings and in appeal proceedings before superior courts including the NSW Court of Criminal Appeal and the High Court of Australia. He also appears on behalf of defendants in summary criminal hearings, trials on indictment and sentences before the District Court and appeals before both the District Court and the NSW Court of Criminal Appeal.

Rob also accepts briefs to defend prosecutions for offences against work health and safety legislation before the Industrial Court of NSW and the District Court.

Rob frequently appears at coronial inquests and inquiries, both as counsel assisting and for interested parties.  He has appeared as counsel assisting the Independent Commission Against Corruption and the Law Enforcement Conduct Commission.

Rob’s interests include surfing, music, swimming, and travel.

**Notable Cases**

* *Flower v R; Mafiti v R* [[2024] NSWCCA 76](https://www.caselaw.nsw.gov.au/decision/18f7a86d0af9553543575187) (counsel for the respondent in related appeals by co-offenders against sentences imposed by the District Court for offences of importing a commercial quantity of cocaine and dealing with proceeds of crime.
* *R v Seguel*[[2024] NSWCCA 37](https://www.caselaw.nsw.gov.au/decision/18dee14867f72aaf5b61873d) (counsel for the appellant in a Crown appeal pursuant to s 5F of the *Criminal Appeal Act 1912* (NSW) in respect of an interlocutory decision of the District Court excluding evidence as tendency evidence when the Crown sought to adduce the evidence for non-tendency purposes in accordance with the principles in *Harriman v The Queen* (1989) 167 CLR 59.
* *Hatahet v R* [[2023] NSWCCA 305](https://www.caselaw.nsw.gov.au/decision/18c12efbf3ae3a51a4c559b6) (counsel for the respondent in an appeal against the severity of the sentence imposed by the District Court for an offence of engaging in hostile activity in a foreign country contrary to s 6 of the *Crimes* *(Foreign Incursions and Recruitment) Act 1978* (Cth)).
* *R v Burton* [[2023] NSWCCA 299](https://www.caselaw.nsw.gov.au/decision/18c0d5be461ab0e57c068963) (counsel for the appellant in a Crown appeal against the manifest inadequacy of an aggregate sentence imposed by the District Court for multiple counts of supplies of large commercial quantities of prohibited drugs).
* *R v Lucas –* Supreme Court of NSW at Parramatta (lead counsel for the Crown in prosecuting the retrial of a man accused with committing acts in preparation of a terrorist act in furtherance of his white supremacist ideology) – See related judgments *R v Lucas* [[2023] NSWSC 1195](https://www.caselaw.nsw.gov.au/decision/18b02303ff83f61f396c4c08) and *R v Lucas* [[2023] NSWSC 1357](https://www.caselaw.nsw.gov.au/decision/18bb2983c297ec685441c4dd).
* *SafeWork NSW v AGL Macquarie Pty Ltd* [[2023] NSWDC 133](https://www.caselaw.nsw.gov.au/decision/187da6e0034ccb43346e34b3) (junior counsel to Dean Jordan SC for the defendant in sentencing proceedings before the District Court (Strathdee DCJ) in respect of an offence against s 32 of the *Work Health and Safety Act 2011* (NSW) arising from an incident in which a worker was injured because of an explosion at the defendant’s Liddell Power Station).
* *Safework NSW v Refire Group Pty Ltd* (unreported, District Court of NSW at Sydney (Strathdee DCJ) (counsel for the successful defendant at a trial before Strathdee DCJ in the District Court of Sydney for two offences against s 32 of the *Work Health and Safety Act 2011* (NSW) arising out of an incident in which a unitised bundle of three 6-metre-long 300 mm diameter galvanised steel pipes fell from the rear of a flatbed trailer and injured the truck driver. The Prosecutor discontinued proceedings on the fifth and final listed day of the trial prior to calling the final two prosecution witnesses).
* *Dong Mo Su v R* [[2023] NSWCCA 21](https://www.caselaw.nsw.gov.au/decision/1864ea64abef27d371c78fef) (counsel for the respondent in an appeal against convictions for two counts of importing a commercial quantity of a border controlled precursor (ephedrine).
* *Commonwealth Director of Public Prosecutions v Citigroup Global Markets Australia Pty Ltd & Ors* (2018-2022)*,* Local Court of NSW and Federal Court of Australia (junior counsel to Cameron Moore SC and Dean Jordan SC for a corporate defendant in a prosecution for cartel offences arising from a capital raising on the Australian Stock Exchange. The prosecutor acceded to representations made by the defendants and withdrew the prosecution on 11 February 2022).
* *Environment Protection Authority v Sydney Water* [[2022] NSWLEC 100](https://www.caselaw.nsw.gov.au/decision/1827af99f0c982fa442934ba) (junior counsel to David Buchanan SC (and Ed Muston SC at the later sentence hearing) for the prosecutor in a prosecution of Sydney Water for two offences of polluting waters contrary to s 120 of the *Protection of the Environment Operations Act 1997* (NSW) and an offence of failing to maintain equipment in a proper and efficient manner contrary to s 64(1) if that Act arising out of an incident in which raw sewage was discharged into waters as a result of the failure of a rising main) – See also *Environment Protection Authority v Sydney Water (No 2)* [[2023] NSWLEC 2](https://www.caselaw.nsw.gov.au/decision/184f3e2b24b7c8733e42075e).
* *R v Whittley* (2021) unreported, District Court of NSW at Nowra and Sydney (Noman SC DCJ) (junior counsel to Arthur Moses SC for the accused at his trial for an offence of dangerous navigation occasioning death contrary to s 52B(1)(c) of the *Crimes Act 1900* (NSW), which resulted in a verdict of not guilty. Also appeared unled before the trial judge in successfully defending proceedings on the back-up summary offence of negligent navigation causing death contrary to s 13(1)(a) of the *Marine Safety Act.*
* *R v Ozgen & Ors* (2019) unreported, District Court of NSW (Pickering SC DCJ) (junior counsel to David Staehli SC for the Crown at the trial of four accused for offences of jointly attempting to possess commercial quantities of border controlled drugs, namely 1.383 tonnes of MDMA and 655 kilograms of methamphetamine – See related judgments *Ozgen v R* [[2021] NSWCCA 252](https://www.caselaw.nsw.gov.au/decision/17cc3b092e56e3afb6c7a243) and *Ozgen v The King* [[2022] HCASL 202](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCASL/2022/202.html?context=1;query=ozgen;mask_path=au/cases/cth/HCASL)).
* *R v Lembke* [[2020] NSWDC 138](https://www.caselaw.nsw.gov.au/decision/5ea23b4ee4b0f66047ed8d0a) (Decision Restricted) District Court of NSW at Newcastle (lead counsel for the Crown in the District Court trial of two accused for an offence of importing a commercial quantity of a border controlled drug (cocaine) contrary to s 307.1(1) of the *Criminal Code 1995* (Cth) arising from the importation of 700 kilograms of cocaine concealed within a false compartment of a catamaran sailed from Tahiti to Australia) – See also *R v Lembke* [[2020] NSWCCA 293](https://www.caselaw.nsw.gov.au/decision/175aadcc1f11bc95dbf24d66).
* *R v Lelikan* [[2019] NSWCCA 316](https://www.caselaw.nsw.gov.au/decision/5dfab99fe4b0ab0bf6074be0) (junior counsel to Paul McGuire SC at the trial (and junior counsel to the Commonwealth Director of Public Prosecutions (Sarah McNaughton SC) on appeal) in the prosecution for an offence of engaging in a hostile activity in Iraq and Turkey contrary to s 6(1)(b) of the (now repealed) *Crimes (Foreign Incursions and Recruitment) Act 1978* (Cth). The accused was also charged with an offence of being a member of a proscribed terrorist organisation (the Partiya Karkerên Kurdistanê (PKK) (the Kurdistan Workers’ Party)) contrary to s 102.3(1) of the *Criminal Code 1995* (Cth), to which he pleaded guilty) – See also *R v Lelikan (No 5)* [[2019] NSWSC 494](https://www.caselaw.nsw.gov.au/decision/5cca8b4be4b0196eea406a31).
* *Office of Liquor and Gaming NSW v Ladbrokes Digital Australia Pty Ltd* [[2019] NSWCCA 26](https://www.caselaw.nsw.gov.au/decision/5c64b122e4b0196eea404625) (junior counsel to Jeremy Giles SC for the respondent in an appeal by way of a stated case from the District Court in respect of convictions for offences of publishing gambling-related advertising that offers an inducement to participate in gambling activity contrary to cl 12(1)(h) of the *Betting and Racing Regulation 2012* (NSW) (since repealed)).
* *R v HG; R v WE* (2018) Supreme Court of NSW at Parramatta (Bellew J) (junior counsel to Ian Bourke SC for the Crown in the trial of two juveniles for offences of engaging in an act or acts in preparation for a terrorist act or acts contrary to s 101.6(1) of the *Criminal Code 1995* (Cth) – See *R v HG* [[2018] NSWSC 1849](https://www.caselaw.nsw.gov.au/decision/5c048676e4b0851fd68d0027) (Remarks on sentence))
* *Xiao v R* [[2018] NSWCCA 4](https://www.caselaw.nsw.gov.au/decision/5a70fe53e4b058596cbadce8); *Jinde Huang v R* [[2018] NSWCCA 70](https://www.caselaw.nsw.gov.au/decision/5acedf3fe4b074a7c6e1e160) (junior counsel to the Commonwealth Director of Public Prosecutions (Sarah McNaughton SC) in two sentence appeals that were heard concurrently by a five-member bench of the NSW Court of Criminal Appeal. The issue in each appeal was the proper approach to pleas of guilty in the sentencing of federal offenders, more specifically, whether a sentencing court can discount a federal sentence to take into account the utilitarian value of the plea of guilty).
* *Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales v Industrial Relations Secretary* [[2018] NSWCA 39](https://www.caselaw.nsw.gov.au/decision/5aa5af2ae4b074a7c6e1d441) (junior counsel to Noel Hutley SC for the respondent in an appeal by the Public Service Association and Professional Officers’ Association Amalgamated Union of NSW against an order of the Supreme Court of NSW imposing monetary penalties totalling $84,000 for multiple contraventions of orders made by the Industrial Relations Commission of New South Wales pursuant to s 137(1)(a) of the Industrial Relations Act 1996 (NSW)).
* *Nash v Resource Pacific Pty Ltd)* [[2018] NSWSC 45](https://www.caselaw.nsw.gov.au/decision/5a7387aee4b058596cbade0f) (junior counsel to John Agius SC for the prosecutor in a prosecution for offences against the *Occupational Health and Safety Act 2000* (NSW) arising out of an incident at the Ravensworth Underground Mine in which a load of coal reject was discharged from a reject bin onto the cabin of a truck, resulting in the death of the truck driver).
* *Severino v The Queen* [[2017] NSWCCA 80](https://www.caselaw.nsw.gov.au/decision/58fda164e4b0e71e17f58fb4) (junior counsel to Wendy Abraham QC for the appellant in an appeal against conviction for an offence of aggravated dangerous driving occasioning death contrary to s 52A(2) of the *Crimes Act 1900* (NSW)).
* *R v Saleh* [[2015] NSWCCA 299](https://www.caselaw.nsw.gov.au/decision/56494d83e4b0eaaf45aef83c) (junior counsel to the Commonwealth Director of Public Prosecutions (Robert Bromwich SC) in a Crown appeal against the sentence imposed by the District Court for an offence of aiding and abetting the importation of tobacco products with the intention of defrauding the revenue contrary to s 233BABAD of the *Customs Act 1901* (Cth) – See also *Saleh v The Queen* [[2016] HCATrans 175](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCATrans/2016/175.html) (led by Ian Bourke SC)).
* *Monis v The Queen; Droudis v The Queen* [[2014] HCATrans 280](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCATrans/2014/280.html) (junior counsel to John Agius SC for the Commonwealth Director of Public Prosecution in opposing an application by Man Haron Monis and Amirah Droudis to remove to the High Court appeals pending in the NSW Court of Criminal Appeal against their convictions for offences against s 471.12 of the *Criminal Code* *1995* (Cth)).
* *Director of Public Prosecutions (Cth) v Ede* [[2014] NSWCA 282](https://www.caselaw.nsw.gov.au/decision/54a63ed73004de94513dc391) (counsel for the applicant in judicial review proceedings concerning the jurisdiction of the District Court in appeals against sentences imposed by the Local Court in proceedings for federal offences dealt with summarily).
* *R v Linardon* [[2014] NSWCC 247](https://www.caselaw.nsw.gov.au/decision/54a63ff93004de94513dc7ea) (junior counsel to the Commonwealth Director of Public Prosecutions (Robert Bromwich SC) in a Crown appeal against the sentences imposed by the District Court for Commonwealth and State offences relating to the possession, transmission and accessing of child abuse material and an offence of transmitting an indecent communication to a person under 16 years).
* *Attorney General (NSW) v Built NSW Pty Ltd* [[2013] NSWCCA 299](https://www.caselaw.nsw.gov.au/decision/54a63c163004de94513db55f) (junior counsel to Bret Walker SC for the successful respondent. Also appeared as Junior Counsel to Robert Bromwich SC in the original successful application to quash the applications for orders and summonses in a prosecution for offences against *Occupational Health and Safety Act 2000* brought in the District Court).

**Notable Inquests and Inquiries**

* *Operation Harrisdale* [(Report July 2024)](https://www.lecc.nsw.gov.au/news-and-publications/publications/operation-harrisdale-s-132-report-july-2024.pdf/%40%40download/file) (counsel assisting the Law Enforcement Conduct Commission for a series of private examinations conducted in 2024 in relation to the Commission’s investigation into a car crash in the NorthConnex and allegations of a cover-up by senior police).
* *Operation Witney* ([ICAC Report July 2022](https://www.icac.nsw.gov.au/investigations/past-investigations/2022/nsw-state-member-for-drummoyne---operation-witney)) (counsel assisting the ICAC in relation to its investigation of allegations that between 26 March 2011 and 6 February 2018, the State Member for Drummoyne, John Sidoti MP, improperly influenced another person or persons, to dishonestly or partially exercise any of their official functions in respect of advancing amendments to development controls and/or any rezoning of land in Five Dock that might be advantageous to his family’s property interests as well as allegations that between 30 June 2011 and 30 June 2019, Mr Sidoti engaged in a breach of public trust by failing to make a number of pecuniary interest disclosures contrary to his obligations to do so under the *Constitution (Disclosures by Members) Regulation 1983* (NSW), the NSW Parliament Code of Conduct for Members and the Ministerial Code of Conduct).
* *Inquest into the death of Alfonso Ceniccola* ([Findings 25 February 2025](https://coroners.nsw.gov.au/documents/findings/2025/Inquest_into_the_death_of_Alfonso_Ceniccola.pdf) ) (counsel assisting the Deputy State Coroner in relation to the inquest into the death of an inmate being held in the Acute Crisis Management Unit at the Metropolitan Special Programs Centre at Long Bay who suffered a cardiac event while on the toilet in his cell and was left unattended and lying prone across the toilet for at least an hour despite his cell being subject to constant 24-hour CCTV monitoring).
* *Inquest into the death of Mohamad Rahmathullah Syed Ahamed* ([Findings 5 February 2025](https://coroners.nsw.gov.au/documents/findings/2025/Inquest_into_the_death_of_Mohamed_SYED_AHAMED.pdf)) (counsel assisting the Deputy State Coroner in relation to the inquest into the death of an Indian national resident in Australia on a Bridging Visa who died from gunshot wounds to his chest and left upper arm inflicted during a confrontation with police at Auburn Police Station in the early hours of 28 February 2023).
* *Inquest into the death of Douglas Thrift* ([Findings 12 June 2024](https://coroners.nsw.gov.au/content/dam/dcj/ctsd/coronerscourt/documents/findings/2024/Inquest_into_the_death_of_Douglas_Thrift.pdf)) (counsel assisting the Deputy State Coroner in relation to the inquest into the death of a 71-year-old farmer who died at his home near Denman as a result of strychnine toxicity).
* *Inquest into the death of Jacob Daniel Carr* ([Findings 30 November 2023](https://coroners.nsw.gov.au/documents/findings/2023/Inquest_into_the_death_of_Jacob_Carr.pdf)) (counsel assisting the Deputy State Coroner in relation to the inquest into the death of a male who was shot by police when he presented and attempted to discharge a shotgun in their direction after they gained entry to his home in response to a complaint of domestic violence reported to police by a relative).
* *Inquest into the death of Joshua Duke* ([Findings 16 December 2022](https://coroners.nsw.gov.au/documents/findings/2022/Inquest_into_the_death_of_Joshua_Duke_-_Findings.pdf)) (counsel assisting the Deputy State Coroner in relation to the inquest into the death of a young man who died from gunshot wounds inflicted by police during an armed confrontation on a semi-rural property on the Central Coast in December 2020).
* *Inquest into the death of Kimberley Cherie Appleby* ([Findings 7 July 2021](https://coroners.nsw.gov.au/documents/findings/2021/7_July_2021_-_FINAL_FINDINGS_-_Inquest_into_the_death_of_Kimberley_Appleby.pdf)) (counsel assisting the Deputy State Coroner at the inquest into the death of a woman who died of pentobarbitone (Nembutal) toxicity in which the central issue was whether the fatal dose of pentobarbitone was ingested by the deceased deliberately with the intention of ending her life, accidental or the result of homicide as well as the knowledge and possible involvement of a known person).
* *Inquest into the disappearance and suspected death of Katrina Anne Boehnenkamp* ([Findings 2 October 2020](https://coroners.nsw.gov.au/documents/findings/2020/BOHNENKAMP_FINAL.pdf)) (junior counsel to Phillip Strickland SC assisting the Deputy State Coroner in relation to the inquest into the disappearance and suspected death of a 15-year-old young person in the care of the State in suspicious circumstances).
* *Inquest into the suspected death of missing person Elizabeth O’Pray* ([Findings 13 December 2019](https://coroners.nsw.gov.au/documents/findings/2019/OPRAY_Elizabeth_-_Findings.pdf)) (counsel assisting the Deputy State Coroner in relation to the inquest into the disappearance and suspected death of a 76-year-old woman who went missing while walking in the Blue Mountains).
* *Inquest into the death of Scott Russell Johnson* (File No. 2011/00389543) (unreported 2017) (junior counsel to Kristina Stern SC assisting the State Coroner in relation to the unprecedented third inquest into the death of a gay man who fell to his death at North Head in December 1988. The inquest resulted in a finding that Scott Johnson died as a result of a gay-hate crime and led to further police investigations and the identification and successful prosecution of a man for the death).
* *Inquest into the death of Richard Johnson* (File No. 2013/00068175) (unreported 2015) (counsel for Essential Energy at the inquest into the death of a farmer who was electrocuted and died when he came into contact with a high voltage overhead power line which was hanging low across a paddock because of damage occasioned to an electricity pole by a lightning strike during an electrical storm).
* *Inquest into the death of Philip Gray* (File No. 2013/00041103) (unreported 2015) (counsel assisting the Deputy State Coroner in relation to an inquest into the death of a technical diving instructor who died from a combination of drowning together with decompression illness following a convulsion secondary to oxygen toxicity at a depth of approximately 55 metres below sea level, during a technical dive seven nautical miles east of Barrenjoey Head).
* *Inquest into the death of Elijah Holcombe* ([Findings 1 May 2014](https://coroners.nsw.gov.au/documents/findings/2014/elijah%20holcombe%20findings.pdf)) (Junior counsel to Chris Hoy SC and later Jeremy Gormly SC assisting the State Coroner at the inquest into the death of Elijah Holcombe, a police shooting death at Armidale in 2009. See also *Rich v Attorney General of NSW & Ors [2013] NSWCA 419* (proceedings related to the inquest. The Court of Appeal upheld the position taken by Counsel assisting at the inquest).
* *Inquest into the Disappearance and Suspected Death of Belinda Shirley Peisley* ([Findings 11 October 2013](https://coroners.nsw.gov.au/documents/findings/2013/peisley%2C_belinda_shirley_-_findings.pdf)) (Junior counsel to Phillip Strickland SC assisting the Deputy State Coroner at the inquest into the suspected death of Belinda Peisley who went missing from Katoomba in September 1998.

**Professional experience as a solicitor**

December 2007 – April 2010 Crown Solicitor’s Office, NSW

## Acting Senior Solicitor Grade VI, Inquiries Practice Group (July 2009 – April 2010)

## Senior Solicitor Grades IV & V, Criminal Law Practice Group (Dec 2007 – June 2009)

* Instructing solicitor assisting the State Coroner and Deputy State Coroners, including:
	+ Inquest into the death of Private Jake Kovco in Baghdad, Iraq in April 2006;
	+ Inquest into the death of David Iredale in the Blue Mountains in December 2006;
	+ Inquests into the deaths of Ralph Grenfell and Arthur Cooling at Tocumwal Hospital in 2005 and 2007;
	+ Inquest into the death of Michelle Bright at Gulgong in 1999.
* Applications to the Supreme Court concerning matters arising under the Coroners Act, the Crimes (Forensic Procedures) Act and the Crimes (Serious Sex Offenders Act) 2006.
* Summary prosecutions for regulatory offences, applications for Apprehended Violence Orders and District Court appeals.
* Operational advices for the Office of State Revenue, the Department of Water and Energy, the Roads and Traffic Authority, the Department of Primary Industries and the NSW Police.

2002 – 2007 - Office of the Director of Public Prosecutions of NSW

*Lawyer Level 2, Lismore (April 2006 – November 2007)*

* Prosecutions for offences of homicide, serious violence, large commercial drug manufacture and supply, sexual assault and child sexual assault.
* Summary and committal hearings and contested applications in the Local Court and sentence and appeal matters in the District Court.

*Managing Lawyer Drug Court Team, Parramatta (May 2004 – February 2006)*

* Senior DPP lawyer with the Drug Court Team, which included representatives from Legal Aid, Justice Health, Probation and Parole, the Police Service and the Judges themselves.
* Sentence hearings, eligibility hearings, suitability hearings and risk/potential to progress hearings.
* Involvement in formulation and discussion of policy matters affecting the Drug Court on an ongoing basis, including proposed legislative amendments.
* Practical implementation of legislation relating to the Compulsory Drug Treatment Correctional Centre, which commenced operations in 2006.

*Lawyer Level 1 Group 6, Sydney (April 2002 – February 2004)*

* Instructing in the prosecution of complex criminal trials before the District Court and Supreme Court of NSW;
* Prosecutions of police officers and other public officials before various Local Courts and the District Court as both an advocate and instructing solicitor;
* Advices and submissions to the Director regarding prosecutions, including recommendations regarding appeals;
* Operational advices regarding matters referred to the Office of the DPP from the Independent Commission Against Corruption (ICAC) and the Police Integrity Commission (PIC).

2001 – 2002 - Abbott Tout, Sydney

*Commercial Litigation Solicitor*

* Insolvency and bankruptcy;
* Trade practices;
* Administrative law;
* Debt recovery;
* General contract disputes;
* Marine pollution prosecutions.

1999 – 2001 - Falvey Byrnes Associates, Port Macquarie

*Litigation Solicitor / Advocate*

Criminal and general commercial litigation.

December 1996 – November 1997 – Supreme Court of NSW

*Tipstaff to the Honourable Mr Justice W V Windeyer AM RFD*