

CARMEN DE MARCO

Year first called to the Queensland Bar – 2019
Year admitted as a legal practitioner – 2013

CONTACT
Phone: 0413 555 413
Email: cdemarco@qldbar.asn.au

AREAS OF PRACTICE

Appellate
Criminal Law
Child Protection
Family Law
Inquests, Commissions of Inquiry, Statutory Tribunals
Regulatory Law
Work, Health & Safety Litigation

EDUCATION

2019 – First call to the Queensland Bar
2013 – Admitted as a legal practitioner
2013 – Graduate Diploma of Legal Practice, Australian National University
2011 – Bachelor of Laws, University of Queensland

CAREER HISTORY

I was first called to the Bar in 2019 and practise predominately in criminal, regulatory, and family matters.

Before commencing at the private Bar, I practised for eight years as a Federal Prosecutor with the Commonwealth Director of Public Prosecutions. During this time, I prosecuted a variety of criminal offences, including child exploitation, drugs, fraud, weapons, tobacco, human trafficking, and slavery.

My current practice largely involves representing criminal defendants (adults and children) in respect of a range of State and Commonwealth offences including drug offending, violence, sexual assault, and property offences. I also regularly represent parties involved in parenting and property disputes in the Federal Circuit and Family Court of Australia.

I routinely conduct matters on behalf of State and Federal government agencies concerning immigration, environmental matters, and criminal prosecutions. I also have significant experience providing legal advice to State and Federal law enforcement and State and Federal government organisations.

Prior to my criminal law practice, I worked for the Department of Defence in Canberra, assisting in disciplinary prosecutions and providing legal advice concerning members of the Australian Defence Force. While at the Bar, I have again worked with ADF personnel in the ongoing *Royal Commission into Defence & Veteran Suicide* hearings currently being held throughout Australia.

HIGGINSCHAMBERS

Level 29, 239 George Street
(corner George and Adelaide Streets)
Brisbane, QLD, 4000
P: + 61 7 3221 2182
higginschambers.com.au

SIGNIFICANT CASES

***R v Hermansson; R v Ali* [2022] QCA 243**

Appearing for the appellant - lead by Ben Power KC

Hermansson appealed a sentence of 17 years imprisonment with parole eligibility after 15 years in respect of her participation in a larger drug trafficking criminal organisation. The appellant argued that the sentence was manifestly excessive because her moral culpability was reduced given the environment of domestic violence in which the offending occurred. The Court of Appeal held that the evidence did not support a finding of domestic violence, however, found that the sentence was otherwise manifestly excessive due to considerations of proportionality with the co-accused and the appellant's prospect of deportation upon release. The appeal was allowed and the appellant was re-sentenced to a period of 16.5 years imprisonment with parole eligibility after serving 12 years.

R v Harwood (Unreported, District Court of Queensland at Brisbane, McGinness DCJ, 25 July 2022)

Appearing for the defendant

Harwood was charged with causing a death while dangerously operating a motorboat under the effect of an intoxicating substance. The defendant lost control of the motorboat while driving his son, daughter-in-law, and his grandchild which resulted in the death of the defendant's daughter-in-law. The Court considered that the defendant refused to submit to a blood alcohol test following the accident, that his dangerous driving had resulted in irreparable damage to his family, and that he would face deportation from Australia upon his release from custody. He was convicted and sentenced to 6 years imprisonment with parole eligibility after 17 months.

R v Robards (Unreported, District Court of Queensland at Brisbane, Jarro DCJ, 2 December 2021)

Appearing for the Crown

Robards was charged with 14 x counts related to encouraging others to sexually abuse children overseas, preparing to engage in sexual intercourse with children overseas, and soliciting, obtaining, and importing child abuse material. The defendant encouraged and directed women located in the Philippines to abuse their child/children and to send him recordings of the abuse in exchange for money. Convicted and sentenced to 5 years imprisonment, with a non-parole period of 2 years.

R v Daly (Unreported, Supreme Court of Queensland at Brisbane, Bowskill J, 25 August 2021)

Appearing for the Crown

Daly was charged with importing approx. 50 kg of liquid GBL (commonly known as the "date rape drug"), which the defendant intended to provide to a larger drug trafficking syndicate for sale. The defendant was also charged in respect of State trafficking offences. Convicted and sentenced to 8 years imprisonment, with a non-parole of 3 years.

R v Dunnett (Unreported, District Court of Queensland at Brisbane, Rinaudo DCJ, 21 April 2021)

Appearing for the Crown

Dunnett was the first person in Australia to be convicted of the newly created offence of importing and possessing child sex dolls, introduced by the *Combating Child Sexual Exploitation Legislation Amendment Act 2019*. The defendant imported one child sex doll into Australia and possessed two additional child sex dolls at his home and other child abuse material. Convicted and sentenced to 2 years imprisonment, released forthwith, and probation of 2 years.

HIGGINSCHAMBERS

Level 29, 239 George Street
(corner George and Adelaide Streets)
Brisbane, QLD, 4000
P: + 61 7 3221 2182
higginschambers.com.au