Entry type: Person
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Brasch, Jacoba

Occupation Academic, Barrister, Lawyer, Queen's Counsel

Summary

Jacoba Brasch was admitted to the Bar in 2000 and has developed a practice in family law, mental health law, and customs and excise. She has appeared in matters in most States and Territories of Australia and often appears in the Full Court of the Family Court of Australia. Jacoba has also appeared a number of times in the High Court of Australia with those appearances concerning customs and excise, as well as Family Law matters and the Hague Convention (child abduction).

Prior to coming to the Bar, Jacoba spent the 1990s in law-related government jobs, including Press Secretary to an Attorney-General. In 2000, Jacoba completed an LLM at New York University as a Fulbright Scholar and NYU Graduate Merit Scholar. In 2010, Jacoba graduated with a PhD from the University of New South Wales where her doctoral thesis concerned what constitutes a fair, independent and impartial trial, using Australian courts martial as her subject matter.

Jacoba holds a Bachelor of Arts, Masters in Public Administration (UQ), a Bachelor of Laws (Hons) (QUT), LLM (NYU) and PhD (UNSW).

She has Chambers in Brisbane, Cairns and Melbourne.

Go to ‘Details’ below to read an essay written by Jacoba Brasch for the Trailblazing Women and the Law Project.

Details

The following additional information was provided by Jacoba Brasch and is reproduced with permission in its entirety.

Dr Jacoba Brasch QC recalls a defining moment from her high school years – she and four other Grade 10 girls had approached the Headmistress to ask if they could continue with both French and German in Grade 11 and 12 in lieu of biology – usually, only one language was permitted and biology was compulsory. “No!” said the Headmistress. “Why?” asked one of the girls. Said the Headmistress, “biology is a prerequisite for nursing, and you meet so many doctors that way.”

Without underestimating the vital importance of nursing, the answer was seared in Jacoba’s brain, and from that moment, she determined to chart her own course, not constrained by traditional expectations. Ironically, of the five girls attending on the Headmistress that day, Jacoba later won a Fulbright Scholarship and is now one of Australia’s most highly respected family law barristers and a Queen’s Counsel. Another was awarded the Caltex Woman of the Year Scholarship to an Oxbridge university, ultimately becoming a professor in law, and another is also a leading Queen’s Counsel in criminal law. They were not allowed to drop biology. None of them married doctors.

On completing her secondary education, Jacoba embarked upon a long list of university degrees, whilst always working full time and supporting herself, and then her family. Indeed, Jacoba jokes she has more letters after her name, than in it – two Bachelor degrees, two Master degrees and a PhD. Her family roll their collective eyes when she raises doing another BA “because I’d really like to know about Lady Jane Grey, who was Queen of England for 15 days.” Asking the “why” question is something which has long shaped Jacoba’s approach to life, an attribute she hopes she is instilling in her daughters.

At university, Jacoba studied politics at UQ, both at undergraduate and Master’s level; her Master’s thesis concerned the Role of Women in Local Government. At the same time, she worked at Channel 7 Brisbane and then for the Fitzgerald Corruption Inquiry inspired Electoral and Administrative Review Commission. Jacoba was then appointed Press Secretary to the Hon Dean Wells, Attorney-General of Queensland. This was pivotal for Jacoba, as it opened her eyes to the power, importance and symbolism of the law. Whilst working as the Attorney’s Press Secretary, Jacoba started a Law Degree, studying part-time and externally at QUT.

She graduated with First Class Honors, and was awarded a Fulbright Scholarship. Consequently, she undertook an LLM at New York University.

On her return to Australia from New York, Jacoba was admitted to the Bar in 2000 and has developed a practice in family law, mental health law, and customs and excise. She has appeared in matters in most States and Territories of Australia and often appears in the Full Court of the Family Court of Australia. Jacoba has also appeared a number of times in the High Court of Australia with those appearances concerning customs and excise, as well as Family Law matters and the Hague Convention (Child Abduction).

Jacoba was Junior Counsel to Tim DOJ North SC in a successful High Court challenge to the standard of proof by which customs prosecutions must now be conducted (Chief Executive Officer of Customs v Labrador Liquor Wholesale Pty Ltd [2003] 216 CLR 161). Jacoba also acted for the mother (without a Silk leader) in a high profile child abduction case which also found its way to the High Court of Australia (RCB as litigation guardian of EKV, CEV, CIV and LRV v The Honourable Justice Colin James Forrest [2012] HCA 47).

However, Jacoba would say that she is most proud of some of the quiet pro bono work she has undertaken, including: acting for a woman to have her birth certificate changed from male to intersex; or, acting for the parents of a woman who was killed by her husband in securing for them decision making rights with respect to their grandchildren; or, acting for a young male transgender individual, to obtain an order from the Family Court authorising him to undergo hormone replacement therapy.

Notwithstanding a leading family law practice at the Bar, and her own growing family, Jacoba completed a PhD which she started at ANU and then transferred, with her supervisor, to UNSW. Her doctoral thesis concerned what constitutes a fair, independent and impartial trial, using Australian courts martial as the subject matter.

Upon the completion of her PhD, and thus with a little free time, Jacoba has been actively involved in the governance and policy leadership of the Bar Association of Queensland and the Law Council of Australia. She has held, or currently holds many leadership positions, some of which include:

Law Council of Australia (“LCA”), National Chair, Domestic & Family Violence Taskforce;
LCA, elected Member, Family Law Section Executive;
LCA’s representative at a roundtable held by the Royal Commission into Institution Responses to Child Sex Abuse;
Treasurer, Bar Association of Queensland (“BAQ”);
Member, Bar Council, BAQ;
Chair, Family Law Committee of BAQ Council;
BAQ Nominee to the Law Council’s participation in private roundtables held by the Royal Commission into Institution Responses to Child Sex Abuse;
BAQ Nominee to the Premier’s Domestic and Family Violence Task Force Summit;
Member, Curriculum Advisory Committee, College of Laws, for the College’s Master of Applied Law (Family Law) and Master of Laws;
Delegate, Australian Bar Association’s Advocacy Delegation to Vanuatu;
Delegate, Australian Bar Association’s Advocacy Delegation to Bangladesh;
State Judge, Fulbright Commission;
Board Member, QUT Law Founder’s Scholarship Committee;
Member, Quinquennial Curricula Review Committee, Bachelor of Laws, QUT.

Jacoba holds a Bachelor of Arts, Masters in Public Administration (UQ), Bachelor of Laws (Hons) (QUT), Masters of Law (NYU) and PhD (UNSW).

She took Silk in 2014.

Published resources

Site Exhibition
Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016, http://www.womenaustralia.info/lawyers

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