



## The Hon Justice Thomas Thawley

Tom Thawley SC was sworn in as a judge of the Federal Court of Australia in a private ceremony on 14 February 2018.

The Hon Justice Thomas Thawley comes from a family steeped in public service. His Honour's father, Michael, joined the Department of Foreign Affairs in 1972, the year Justice Thawley was born. Justice Thawley and his older brother, Sam, enjoyed an exciting, itinerant and eclectic upbringing in the various countries to which Michael and Debbie were posted including Italy, England and Russia. Justice Thawley's younger brother, Cosimo, was born just before his Honour turned 17. Michael and Debbie continued postings, with Cosimo, in Japan and the United States.

Justice Thawley's first school was the Montessorri school in Rome. He returned to Australia for a year, before attending St Hilary's Preparatory School in Godalming, England, then an all girls' school considering a change. Thereafter he went to many different schools including Wellesley House in Broadstairs and the École Francaise in Canberra. He was finally asked to leave school, in Geelong, in 1989. After school his Honour travelled to France where he studied briefly at the Institut de Touraine before commencing an apprenticeship in a French restaurant at Yzeures-sur-Creuse in the Loire Valley. He moved to Germany, for love, and worked variously as a builder's labourer, a steak chef and an antique furniture restorer.

Justice Thawley completed a Bachelor of Laws (Hons) and a Bachelor of Arts at the Australian National University in 1995 and a Master of Laws at the University of Sydney in 2015.

After completing university, his Honour moved to Sydney, to take up a position as tipstaff to the late Justice Roderick "Roddy" Pitt Meagher, then on the New South Wales Court of Appeal. A formidable friendship was forged that lasted until Justice Meagher's death in 2011.

He signed the Bar Roll in 1998. His Honour read and initially had his chambers on the 6th floor, before joining 7 Wentworth at 126 Phillip Street in 2006. He was a founding member and one of the driving

forces that led to the establishment of New Chambers. His Honour took silk in 2012. Justice Thawley's colleagues at New Chambers will greatly miss him, not only for his expertise and skill, but for his generosity, warmth and hospitality.

His Honour was a leading commercial silk, specialising in revenue law, recognised for his skill and experience in cross-border taxation matters and for both his trial and appellate practice. In the recent *Chevron* transfer pricing litigation, his Honour appeared for the Commission of Taxation, who was successful at first instance and on appeal. The case was one of the lengthiest tax cases heard in Australia and involved multiple facets of tax law. His other clients included Microsoft, Google and BHP.

Across his practice, Justice Thawley was known to be persuasive, courteous, even-tempered, and highly efficient in court, as well as an adept cross-examiner.

On the announcement of Justice Thawley's appointment, Arthur Moses SC, President of the NSW Bar Association, noted that:

He will make a significant contribution to the important work of the Federal Court in the administration of justice"

Justice Thawley is the devoted father of three children, Lucy, Harry and Freddy. His Honour is also an avid outdoorsman, an accomplished craftsman, both in woodwork and kintsugi, a violinist and a highly accomplished cook, having been the chef in the restaurant which he owned during his university years.

By Elizabeth Cheeseman SC

## Magistrate Peter Thompson

On 5 February 2018, Peter Thompson was sworn in as a magistrate of the Local Court. Present on behalf of the New South Wales Bar was Sophie Callan while David Humphreys, president of the Law Society, spoke on behalf of the solicitors of NSW. Judge Henson presided over the proceedings.

His Honour started life in the Sydney suburb of Guildford and participated in Defence Force Cadets from an early age. Having commenced a degree at university, he chose a career in the Police Force. He attended the Policy Academy in Goulburn and graduated dux of in a group of more than 200 aspiring officers. After two years of general duties policing in Glebe and other places, he trained as a police prosecutor. His Honour studied law part-time at UTS and rose to the rank

of acting inspector, reporting at one point directly to the commissioner.

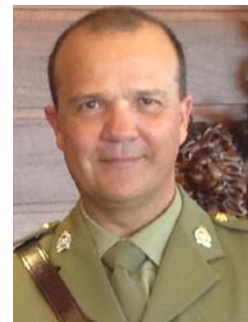
His Honour's professional expertise is firmly in the domain of criminal law having spent 17 years in the NSW Police Service, 15 of those years as a Police Prosecutor. His focus in those years were complex jury trials and sentencing matters.

His Honour has for some years been a member of the RAAF in specialist reserves and currently holds the rank of squadron leader. Within the DPP his expertise was pre-committal advices and he was renowned for his ability to work through the caseload.

As an advocate, his Honour reflected on the qualities which make individuals who they are. He expressed gratitude to his close family members his wife Meredy and their children Keiran and Haydon. He remembered Kayla their daughter lovingly.

With such a mix of humanity, pragmatism, and a tendency for fairness and efficiency and high regard for principle, Magistrate Thompson's court will be the paradigm example of the jurisdiction.

By Kevin Tang



## Jonathan Hyde

Lieutenant Colonel Jonathan James Hyde was sworn in as judge advocate and Defence Force magistrate by Rear Admiral the Honourable Justice M J Slattery RANR in a ceremony held on 6 February 2018 in the Supreme Court judges' consultation room in Queens Square in Sydney. In attendance, were Major General the Hon Justice P L Brereton, Lieutenant Colonel Humphreys President of the Law Society, uniformed representatives of the three services, close family members and Lieutenant Colonel Hyde's professional colleagues.

Mr Hyde commenced practice as a solicitor in 1991 in South Australia. He also worked in London in IP and commercial matters in the 1990s. He was called to the South Australian Bar in 1996 and in New South Wales in 2004. His career in the prosecution and defence of matters before courts martial commenced in 1997, when he was first commissioned in the ADF. Since then he has had extensive experience in ADF disciplinary proceedings, both appearing

for and prosecuting ADF members. His discipline and inquiry work in the ADF has examined the conduct of ADF members on operations during most of the conflicts in which Australia has been involved since 1997.

At the private bar in Sydney, Mr Hyde's experience has centred in general commercial law and commissions of inquiry. He has appeared in numerous coronial inquests, commissions of inquiry and royal commissions including before the ICAC and for such organisations as Cricket Australia, Tennis Australia and Queensland Cricket and most recently in the Royal Commission into Institutional Responses to Child Sexual Abuse.

Between 2013 and 2014, Mr Hyde was appointed a member of the Veterans' Review Board, where he heard applications by serving and former ADF members. In this quasi-judicial role, Mr Hyde's renowned courtesy in hearing vulnerable members of the community, our service veterans often decades after their active service, is a mark of exceptional distinction and of suitability for this appointment.

Mr Hyde is also a specialist in administrative law in the ADF and has appeared in many ADF commissions of inquiry as counsel assisting or counsel representing. Most notably he appeared in the 2006 inquiry into the death of Private Kovco in Iraq.

Judge advocates and Defence Force magistrates are appointed under the Defence Force Discipline Act 1982. They are senior military officers who are also experienced legal practitioners. A Defence Force magistrate is equivalent to a District Court judge sitting alone in a criminal trial. A judge advocate is equivalent to a District Court judge sitting with a jury in a criminal trial. Under the Defence Force Discipline Act, a jury trial is known as a court martial. Courts martial are presided over by a panel of 3-5 military officers who do not have legal qualifications. Judge advocates must ensure, among other things, that courts martial are conducted in accordance with the law and in a manner befitting a court of justice. Courts martial and Defence Force magistrate proceedings may be conducted throughout Australia, on a navy ship at sea or internationally wherever the Australian Defence Force is operating.

The NSW Bar applauds Mr Hyde on this honour. As a judge advocate and Defence Force magistrate he will be required to sit throughout Australia and may from time to time deploy overseas. In his new role, this barrister will maintain and uphold the ethos of the ADF and the integrity of Australia's military justice system.

By KP Tang



## Judge Julia Baird

On Friday, 2 March 2018 Julia Baird SC of the Sydney Bar was welcomed to the Federal Circuit Court in a ceremonial sitting held in William Street, Sydney. Present at the ceremony was also Noel Hutley SC, president of the Australian Bar Association who also spoke on behalf of the NSW Bar of which there were many distinguished barristers in attendance.

Her Honour attended Turrumurra High School, but her childhood was mostly international, having been born in Mexico and having spent time in South Africa. Her Honour practised from the 12th Floor of Selborne and Wentworth Chambers for most of her career at the NSW Bar.

Her Honour's areas of expertise as a barrister centred in intellectual property and commercial law. Her Honour is remembered as a skilful advocate in copyright, designs and patents and areas of confidential information passing off and consumer and competition law. In recent years her Honour has been published in a number of authoritative textbooks in these areas and has attended as a speaker at many ABA conferences, most recently in London in 2017.

Mr Hutley SC observed her Honour's interests as a leading and distinguished member of the Inner Bar by mentioning her commitment to, and advancement of, women in the legal profession generally. Further, he added that her Honour was committed to mentoring, educating and training of junior barristers generally. Apart from her professional pursuits, her Honour is noted for teaching and training of barristers in a variety of courses aimed at advocacy and has kept an international profile in that respect. She has travelled, taught and presented around South East Asia, South Africa and also at the notable Keble College course at Oxford.

It was also noted that her Honour was appointed a member of the NSW Bar's Professional Conduct Committee. Her Honour was held in high regard during her career at the bar and her appointment reflected this. It was also noted that her Honour was the deputy chair for the NSW Bar Association's Equal Opportunity Committee.

Professional excellence aside, her Honour was noted for her own personal qualities for which she is much admired by her friends

and colleagues. Her Honour's positive attitude, sense of warmth and fun were recalled – and her wonderful and infectious laughter, and it was also reiterated that her Honour's sense of style has been noted widely.

Her Honour's elevation is celebrated by all the independent bars, and all of her colleagues at the Sydney Bar offered their sincerest congratulations and good wishes for this new phase in her Honour's professional life.

By Kevin Tang