

The Hon Thomas Bathurst AC QC

An honorary award of a Doctor of Laws (honoris causa) was conferred upon Thomas Bathurst by the Chancellor, Ms Belinda Hutchinson AM, at a University of Sydney Law School graduation at 2.00pm on 7 June 2019.

Citation

Chancellor, it gives me great pleasure to present the Chief Justice of New South Wales, the Honourable Thomas Frederick Bathurst AC QC to you for admission to the degree of Doctor of Laws (honoris causa).

Chief Justice Bathurst is a distinguished graduate of this University in Arts and Law. He completed his law studies in the early 1970s and was called to the Bar in 1977. After 10 years at the Bar, Thomas became Queen's Counsel and in 2011 was appointed Chief Justice of New South Wales following strong endorsement from the then Attorney General Greg Smith SC who stated "Because you see things so clearly, and offer commercial commonsense and sound judgment, your opinions have been widely sought and valued. You have also commanded huge respect from the Bench because of your ability to get to the heart of the matter and to do it with great clarity and economy of language. Your skills as a cross-examiner were behind many courtroom triumphs."

Thomas' practice has covered almost every aspect of Commercial and Corporations Law, including Trade Practices, Administrative Law and Revenue Law as well as Commercial Arbitration.

Thomas is a past President of the Australian Bar Association and President of the New South Wales Bar Association. During his time as President of the New South Wales Bar, he went out of his way to attend legal education events in regional and rural, or remote areas, to hear first-hand, the concerns of people in those areas.

To quote the former President of the Law Society, "Thomas is well-known for being a lawyer of the utmost skill and learning, who has earned the intellectual respect of the judiciary and the profession. He is renowned for his thoroughness in preparation and for being a superb technician, with commercial judgment second to none. Colleagues have referred to his ability to sum up facts and legal principles very quickly. Solicitors have commented on how easy he is to brief, describing him as a favoured counsel of choice, because of his incisiveness and ability to get to the heart of the matter, his razor sharp intelligence and strategic insight."

Thomas has acted in many significant cases including the long running, Seven Limited v News Limited & Ors), and just prior to his appointment to the Court, the case brought by ASIC against the directors of James Hardie. Some of his high profile cases became the source of subsequent pieces of reforming legislation, including the introduction of the Corporate Economic Law Reform Program Bill 1998, and the subsequent enactment of the Statutory Business Judgment Rule in 2000.

His commitment to excellence as a judge, presiding over sittings both in the Court of Appeal and the Court of Criminal Appeal, is well recognised in the profession. Less well known or remarked is his commitment to improving the standing of the judiciary in the community and promoting diversity among the judiciary.

Shortly after President Trump was elected, whilst attending the annual Law Term opening dinner, Thomas spoke about an historic legal case in Sydney in 1888 when the government ordered police to stop Chinese passengers getting off a ship which had arrived in Sydney Harbour. A passenger challenged the decision and the Supreme Court ruled the detention illegal. The government defied this ruling for an extended period, leading the Chief Justice Darley to "admonish the government's actions as unprecedented and in flagrant disregard of the law." The government of the day finally gave in, but Thomas noted that this story demonstrates the role of the judiciary and the profession in promoting equality, fairness and the rule of law, in spite of popular sentiment.

He has held several workshops for the media, the community and politicians in an endeavour to explain judicial decision making, especially about sentencing, and he has encouraged his fellow judges to notify summaries of their judgments on Twitter. He also delivers lectures almost as often as judgments.

On diversity, he has promoted more female appointments to the bench including directly from the solicitors branch of the profession and is quoted as looking to achieving greater ethnic diversity on the bench in his time as Chief Justice.

In June 2014 the Chief Justice was appointed as a Companion in the Order of Australia for eminent service to the judiciary and to the law, to the development of the legal profession, particularly through the

implementation of uniform national rules of conduct and to the community of NSW. He has also been Lieutenant-Governor of New South Wales since 2012.

Chancellor, I present to you a most distinguished graduate of the University, a fine lawyer, the leader of his profession in this State, a leading citizen of this State, its Lieutenant-Governor and its most senior judicial officer, the Honourable Thomas Frederick Bathurst AC QC for admission to the degree of Doctor of Laws (honoris causa) and I invite you to confer the degree upon him.