

The Hon Justice Megan Latham



On Tuesday, 12 April 2005, her Honour Judge Megan Fay Latham was sworn in as a judge of the Supreme Court of New South Wales.

With a significant reputation as an advocate for the rights of children and women, it has been apparent that her Honour has had a deep and abiding passion in the area of child welfare in the law.

Growing up in Cronulla, her Honour attended MLC Burwood and then the University of New South Wales, graduating in arts and law. Admitted as a solicitor in 1979, her Honour started at Maguire & Martin, solicitors in Leeton, and remained there until 1982. After a short time as a legal officer with the Lands Department, her Honour joined the office of the Clerk of the Peace that same year.

For five years her Honour worked as a solicitor with the Solicitor For Public Prosecution Office, including two years as the solicitor in charge of the Child Assault Protections Unit, and then on secondment to the Premier's Department as executive officer of the New South Wales Child Assault Task Force.

During this time her Honour was appointed to the Legal Committee of the New South Wales Child Protection Council and the New South Wales Sexual Assault Committee. After that, her Honour was successful in securing a travelling fellowship from the Law Foundation of New South Wales, enabling her to spend time in the United States looking at how child sexual assault cases were handled and identifying ways of ensuring their more effective conduct.

Her Honour came to the Bar in 1987 and was appointed as a crown prosecutor. Working in that capacity until 1994, her Honour became the director of the Criminal Law Division. In 1996 her Honour was the first and only appointed female crown advocate of New South Wales. In that position her Honour provided top level advice on high profile cases to the Attorney General's Department.

As the crown advocate, her Honour was appointed to the Model Criminal Code Officers Committee, which was responsible for the development of a uniform Criminal Code in Australia, and played a valuable role in producing a groundbreaking report in 1998 on offences against humanity involving sex slavery.

John McIntyre, President of the Law Society of New South Wales, commented on her Honour's renowned ability and human qualities, referring to a speech given by the Honourable Justice Michael Kirby to the Women's Lawyer Association, in which he was reflecting on eminent female lawyers in Australia, and said, 'You showed all the subtlety and forbearance expected of crown counsel.'

On 7 August 1998, her Honour was sworn in as a judge of the District Court of New South Wales at quite a young age, a fitting reward for her tireless hard work and commitment. Her progression from there to the Supreme Court is supported by admirable precedent.

Ian Harrison SC commented that her Honour was a student of his at the University of New South Wales, along with the late Judge Bob Bellear. He praised her Honour's sharp wit, recalling an occasion, when appearing in her court, he urged upon her Honour to consider a proposition. He remarked respectfully that her Honour's analysis did not appear, to him at least, to be entirely logical. He remembered that her Honour had no hesitation in dealing with his comment by saying very descriptively and very convincingly, 'Mr Harrison, if the world were a logical place, men would ride side-saddle.'

Her Honour has been the subject of much media comment concerning high profile cases of serious sexual assault, but the judicial case load has also thrown up other interesting matters, including the occasional speeding offence. In a recent matter, despite the Crown having irrefutable photographic evidence that the defendant's car was travelling at 56kph in a 40kph zone, the defendant still chose to appeal. The defendant, representing himself, presented to the court the National Measurement Act and Regulations to prove that the initials 'kph' did not mean what everyone thought they did. The defendant argued that under the Act, the 'K' stood for 'kelvin', a measure of thermodynamic temperature; 'P' for 'poise', a measure of viscosity, and 'H' for 'henry', which measures electricity inductance.

Although amused and entertained by the defendant's submission that the abbreviation might be illogical and incorrect, her Honour applied a large measure of commonsense in her ruling explaining to the hapless defendant that it had to be viewed in context and it clearly suggested that it related to vehicle speed. Using, however, considerable judicial wisdom her Honour then gave the defendant a bond to be of good behaviour.

Much is said these days about balancing career and family, particularly in the legal profession. Her Honour's husband and son are very supportive and very proud of her Honour's achievements.

Speaking from the heart, her Honour thanked the court on her appointment and commented on her great regret at leaving the camaraderie and support of so many friends in the District Court. Her Honour payed tribute to the chief judge of the District Court and Robert Fornito of the Criminal Listing Directorate of the District Court for their influence on her professional development and their support.