

## Terence Fenwick Marelly Naughton (1941 – 2016)

Queen's Counsel, Judge of the District Court of NSW



Former District Court Judge Terry Naughton QC died peacefully at the Sydney Adventist Hospital on 15 August 2016, after a brief illness. He was farewelled on 22 August 2016 at St James King Street.

His Honour was educated at Drummoyne High School for the first three years of secondary school and for the last two years at Sydney Boy's High School, where he was a prefect and debating captain. He read law at the University of Sydney and was also captain of the debating team. He completed articles of clerkship at Clayton Utz & Co and was later an employed solicitor at Blake Dawson.

He read and then established himself in 1968 on Twelfth Floor Wentworth Chambers Waddell QC was his Pupil

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Master. He was led by Forbes Officer QC, Deane QC and Lockhart QC. Finlay QC, Sully QC and Rolfe QC were fellow floor members and friends, together with friends on other floors such as Tamberlin QC, Handley QC and Malcolm McLelland QC. He accompanied Sir Maurice Byers QC to the Privy Council in the 1970s.

He held a long-term brief, led by Jenkins QC and Morling QC, in *Codelfa Construction Pty Ltd v State Rail Authority of NSW* (1982) 149 CLR 337, concerning the eastern suburbs railway. Shortly after its conclusion, he was appointed queen's counsel.

He was briefed widely, but with a large practice in the Land and Environment Court. He authored the eminent practice work *Naughton – Land and Environment Court of New South Wales; Law and Practice*, first published in 1993 which still bears his name.

He was a fastidious and meticulous counsel, placing emphasis on the factual details of the case. Colleagues and friends knew of his legendary reverence for the written and printed word. A magnificent library of calf-bound reports graced the shelves of his spacious chambers. In 1987, inspired by the photography exhibition 'American County

Courthouses' of William Clift, an American photographer, Naughton QC took his family and his manual Linhoff 4x5 camera to small towns with beautiful old courthouses in regional NSW, Victoria and Tasmania. He captured their essence in beautiful light. He had the eye for detail, an appreciation for subtlety and the patience of Job to wait for the best shot.

Naughton QC's exhibition at the SH Ervin Gallery 'Places of Judgment New South Wales' was critically acclaimed. Dupain reviewed the exhibition in the *Sydney Morning Herald* and described the chronicle of images as '...immaculate and beautiful'. Both Dupain and Clift became friends as well as mentors.

Naughton was appointed a judge of the District Court in 1997. With characteristic care and attention, he heard both civil and criminal cases. No judgment was long-reserved despite a significant workload. He retired in 1997 to continue his involvement with his family and his interest in photography and ancient coins.

**By Kevin Tang**