

Kim Santow

His Honour Justice Kim Santow brings a great breadth of experience to the Australian Bench. He is spending three months in the UK based at the IALS as the holder of an Inns of Court Fellowship.

Justice Santow is believed to be the first solicitor in recent times to be appointed as a judge of the Supreme Court of New South Wales without prior service as a barrister or Master of the Court. His appointment to the Equity Division came on 30 August 1993 after a career spent with Sydney solicitors Freehill Hollingdale & Page, where he became a partner in 1965. Justice Santow has strong links with this country; he co-founded the London office of his firm and was admitted to practice in the United Kingdom.

He has practised extensively across the spectrum of commercial law and beyond, with a particular focus on complex commercial transactions involving the law relating to companies, resource development, investment banking, taxation, the media, public law and international law. His work in these fields involved international transactions in many countries, including Japan, the USA, South Africa, and the UK.

As a director of a number of companies – including a major film, exhibition and hotel group – he gained practical insight into the way business works. This has been useful to him both on the bench and in the work he has done to promote alternative dispute resolution. He was a founding director of the Australian Commercial Disputes Centre for alternative dispute resolution and mediation, and was appointed a member of the CPR International Panel of Distinguished Mediators.

Justice Santow has also been involved with a number of government bodies, including service as a director appointed by the Government of New South Wales to the Board of the State Superannuation Investment and Management Corporation. As an adviser he has served a number of State and Federal Government and other expert committees, one of his achievements being to write the original paper that laid the groundwork in 1975 for the national co-operative scheme in companies and securities law. The New South Wales


Government Task Force formed to promote Sydney as an international financial centre also called upon his advice.

Justice Santow has helped to maintain his interest in legal education and the development of the law through university teaching – he has lectured part-time on the University of Sydney's Master of Laws programme for over 20 years.

In the UK he has used the time afforded by his fellowship to conduct research in three main areas:

- directors' duties in the context of the Law Commission's recent publication;
- a review of the O'Brien decision (on spousal guarantees) in comparison to the recent Australian High Court finding in the *Garcia* case;
- the law relating to charitable trusts with political objects.

Justice Santow is particularly involved with the latter subject, where the introduction of human rights legislation, for example, can bring about changes in perspective. 'One area that comes to mind is racial discrimination, which some years ago would have been regarded as a political matter, but it has taken on the character of a non-political issue compatible with the retention of charitable status since the introduction of legislation'.

While in the UK he has undertaken a number of lectures and visited courses held for student barristers at West Dean, near Chichester, where he was impressed with the approach taken to professional legal education. He has a further connection with the University of London through his appointment as Judicial Visitor at UCL. 

Julian Harris

Senior Information Officer, IALS

CURRICULUM VITAE

Kim Santow was educated at the Friends School, Tasmania, Sydney Grammar School and the University of Sydney, from which he holds degrees of Bachelor of Arts and Master of Laws (first class honours) and a University Blue in rowing. He was admitted as a solicitor of the Supreme Court on 16 March 1964 after serving his articles with Freehill Hollingdale & Page in Sydney, and from 1965 until his appointment to the bench he was a partner in that firm (and chairman of its pro-bono committee). His numerous other accomplishments include the advisory posts connected to government and the involvement with ADR detailed above. Justice Santow is the author of a number of articles in law journals on company law, takeovers, finance, trade practices legislation and law reform. His writing also extends to wider fields, such as a piece in the *Australian Quarterly* on 'The regulation of business and the achievement of ethical standards'. In 1990 he was awarded the Medal of the Order of Australia for community work which included service as director or trustee of a number of community organisations including Sydney Opera House, the Art Gallery of New South Wales, Sydney Grammar School, St Vincent's Hospital and the Malcolm Sargent Fund for Children with Cancer (of which he was chairman). He is married with three sons and enjoys music, literature, chess, tennis and sculling.