

# TERESA BAW

Barrister

## FREDERICK JORDAN CHAMBERS

Ground Floor, 53 Martin Place, Sydney NSW 2000

DX 450 Sydney

T +61 2 9229 7344 M +61 415 120 311

F +61 2 9221 6944

E [tbaw@fjc.net.au](mailto:tbaw@fjc.net.au)

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Called to the Bar in 2006, Theresa maintains a specialised practice in public administrative law. Her practice also extends to appearing in commercial and equity matters.

The depth and breadth of her practice has seen Theresa advise and appear for individuals, companies, organisations and the Crown, in a wide range of disputes, particularly in migration law, encompassing all aspects of judicial review and challenging the decision of governments. Briefed to appear in test cases that create new law, some of the matters in which Theresa has appeared have become landmark decisions and are regularly referenced in courts today. Her international experience extends to appearances in the Supreme Court of Nauru, and notably Theresa was a member of a panel of barristers appearing in this jurisdiction. Theresa has also appeared for the Commonwealth Director of Public Prosecutions in criminal matters and she is also on their panel for junior barristers.

An experienced advocate, Theresa has appeared unled in various jurisdictions, including the Full Federal Court of Australia, Federal Court of Australia, Supreme Court of New South Wales and other inferior State courts and tribunals, including the Administrative Appeals Tribunal. Significantly, she has also appeared unled on a special leave application in the High Court of Australia and as a junior barrister in proceedings before the High Court.

Prior to being called to the Bar, Theresa gained considerable commercial litigation and transactional experience as a solicitor at major Sydney firms, including Minter Ellison. She holds a Master of Commerce from Macquarie University, and a Bachelor of Laws (with First Class Honours) and a Bachelor of Economics from Sydney University. She has delivered numerous papers and authored several articles in her fields of practice.

Theresa has been a long-term meditator and is passionate about spreading the benefits of meditation to her fellow barrister and teaches a weekly lunchtime meditation class in her chambers.

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### ADMISSIONS TO PRACTICE

- 2006 Admitted to the Bar of New South Wales
- 2001 Admitted as a Solicitor of the Supreme Court of New South Wales

### PROFESSIONAL QUALIFICATIONS

- 2001 Bachelor of Laws (First Class Honours): University of Sydney
- 1996 Master of Commerce: Macquarie University
- 1994 Bachelor of Economics: University of Sydney

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## PRINCIPAL AREAS OF PRACTICE

- Administrative Law
- Commercial Law, Corporations and Trade Practices
- Constitutional Law
- Criminal Law and Proceeds of Crime
- Environmental, Local Government and Planning
- Equity, Real Property, and Trusts
- Immigration, Human Rights and Discrimination
- International Law
- Succession and Family Provision

## PROFESSIONAL EXPERIENCE

- 2008 – present      Barrister, Frederick Jordan Chambers
- 2006                      Barrister, 7 Wentworth Chambers
- 2004 – 2006          Solicitor, Holman Webb Lawyers
- 2001 – 2004          Solicitor, Minter Ellison

## PROFESSIONAL MEMBERSHIPS AND PANEL APPOINTMENTS

- Panel of Barristers to appear in the Supreme Court of Nauru in migration proceedings
- Panel of Junior Barristers for the Commonwealth Director of Public Prosecutions
- Member, New South Wales Bar Association
- Committee Member, Wellbeing Committee of the NSW Bar Association
- Member, Asian Australian Lawyers Association
- Member, Australian Association of Constitutional Law
- Member, Australian Institute of Administrative Law
- Member, Federal Litigation and Dispute Resolution Section of the Law Council of Australia
- Member, Constitutional & Administrative Law Section of the NSW Bar Association

## PUBLICATIONS

- Contributing Author of *Key Issues in Judicial Review*, ed Neil Williams SC, The Federation Press, 2014, Sydney. A collection of papers by judicial officers and barristers with a forward by Chief Justice Allsop of the Federal Court of Australia
- *Sorting Fact from Error*, Law Society Journal, February 2011 Vol 49, No. 1

## SPEAKING ENGAGEMENTS

- Presenter for the Constitutional and Administrative Law Section of the Bar Association, CLE seminar for barristers: *Satisfaction as a jurisdictional fact – the implications of Minister for Immigration & Citizenship v SZMDS (2010) 240 CLR 611*
- Facilitator of Inaugural Annual William Lee Address for the Asian Australian Lawyers Association, topic of *Cultural Diversity in the Legal Profession in 2016*. Guest speakers included Tim Soutphamassane, Racial Discrimination Commissioner and Justice Jayne Jagot of the Federal Court of Australia
- Presenter at a continuing professional development training seminar for the NSW Bar Association in 2018; *“The Mindful Barrister”* that discussed the benefits of mindfulness meditation.

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- Presentation for the Legalwise CLE Migration Law Workshop in Sydney – June 2017
- Presentation for 15th Annual Public Law Weekend held at the Centre for International and Public Law, held by ANU College of Law, Canberra - 2010

## SELECT CASES

### High Court of Australia

- *Minister for Immigration and Citizenship v SZMDS* (2010) 240 CLR 611 – a case that opened the way for an irrationality or illogicality ground of judicial review.

### Full Court of the Federal Court of Australia

- *Minister for Immigration and Border Protection v DZU16* (2018) 253 FCR 526 – a case breaking new ground in the area of legal unreasonableness applied to a new part of the Migration Act.
- *Waensila v Minister for Immigration and Border Protection* (2016) 241 FCR 121 – case that changed the law on the application of criteria for partner visas.
- *Edna Vata-Meyer v Commonwealth of Australia* [2015] FCAFC 139 – a case involving an Indigenous employee in the workplace brought under the *Racial Discrimination Act 1975* (Cth).
- *SZSXT v Minister for Immigration and Border Protection* (2014) 222 FCR 73 – a case concerning fraud on the Federal Circuit Court of Australia.

### Federal Court of Australia

- *Brightstar Logistics Pty Ltd v Australian Securities and Investments Commission (ASIC) (No. 2)* (2010) 78 ACSR 429 – a case of a company seeking an exemption pursuant to its reporting obligations under the *Corporations Act 2001* (Cth).

### Supreme Court of New South Wales

- *ETT Ltd v IPSTAR Australia Pty Ltd* [2008] NSWSC 644 – seeking an injunction involving the construction of an arbitration clause for an exclusive distributor of satellite products.

### District Court of New South Wales

- *R v Pham* – acting for the Crown in the prosecution of a drug importation offence.