

TOM MOLOMBY SC

FREDERICK JORDAN CHAMBERS

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A senior member of Frederick Jordan Chambers, Tom is highly-regarded in his areas of practice which include defamation, criminal law and inquests and inquiries.

With more than 30 years' experience at the Bar, Tom has appeared in a diverse range of significant and complex civil and criminal matters, many of which have considered important questions of law and are now leading authorities. He has appeared in notable cases in the Northern Territory and Australian Capital Territory, and regularly appears at both trial level and on appeal in the New South Wales Court of Appeal, Supreme Court and District Court.

Notably, Tom has authored four books on Australian cases involving wrongful convictions. Prior to being called to the Bar, he gained considerable experience in the radio and television industry. Such experience has served to heighten the depth of his knowledge when representing clients in defamation, media and intellectual property matters.

APPOINTMENTS

- 2002 Appointed Senior Counsel

PROFESSIONAL QUALIFICATIONS

- Bachelor of Laws: University of Melbourne
- Bachelor of Arts: University of Melbourne

PRINCIPAL AREAS OF PRACTICE

- Criminal Law
- Defamation
- Inquests, Disciplinary Hearings and Inquiries

PROFESSIONAL EXPERIENCE

- 1988 – present Barrister, Frederick Jordan Chambers
- Prior to being called to the Bar, various roles in television and radio

PROFESSIONAL MEMBERSHIPS

- Member, New South Wales Bar Association

PUBLICATIONS / AUTHORSHIPS

Tom has written four books on Australian cases involving wrongful convictions, as follows.

- *The Shearer's Tale* - 2004
- *Spies Bombs and the Path of Bliss – Ananda Marga and the Hilton Bombing* - 1986
- *Who Killed Hannah Jane* - 1981
- *Ratten: The Web of Circumstance* - 1978

SELECT CASES

Defamation – Selected Appeal Judgments

- *Gardener v Nationwide News Pty Ltd* [2007] NSWCA 10
- *Tory v Megna* [2007] NSWCA 13
- *Ali v Nationwide News Pty Ltd* [2008] NSWCA 183
- *Coull v Nationwide News Pty Ltd* [2008] NTCA 10
- *Daily Examiner Pty Limited v Mundine, Brown v Mundine* [2012] NSWCA 195
- *Marshall v Megna, Megna v Tory, Tory v Megna* [2013] NSWCA 30

Defamation – Selected Trial Judgments

- *Seary v Molomby* [1999] NSWSC 98
- *McGaw v Channel Seven Sydney Pty Ltd* [2006] NSWSC 1147
- *Kunoth-Monks v Healy and anor* [2013] NTSC 74
- *Cheikho v Nationwide News Pty Ltd (No 4)* [2016] NSWSC 29
- *Benhayon v Rockett (No 8)* [2019] NSWSC 169
- *O'Rourke v O'Hagan and Nationwide News Pty Ltd* [2007]ACTSC 61

Criminal Law – Selected Appeal Judgments

- *R v Manley* [2000] NSWCCA 196
- *R v Catt* [2005] NSWCCA 279
- *Riley v R* [2011] NSWCCA 28
- Reference by the Attorney-General for the State of New South Wales under s.77(1) (b) of the *Crimes (Appeal and Review) Act* 2001 re. the conviction of Frederick Lincoln McDermott [2013] NSWCCA 102

Selected Other Cases

- *Gertsch v Atsas and ors* [1999] NSWSC 898 – equitable defence of change of position
- *Coyle v State of New South Wales* [2006] NSWCA 95 – false arrest, false imprisonment, malicious prosecution
- *Johansen v Art Gallery of NSW Trust* [2006] NSWSC 577 – the 2004 Archibald Prize case
- *Hansen v Johnston and ors* [2011] NSWSC 621 – election petition re NSW Legislative Council