

**FINANCIAL REVIEW****Tax titan was no heir but had all the graces**

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Some years ago, a student asked Graham Hill if he had wanted to be a judge when he was in law school.

"I thought the question was rather amusing, probably because at the time I was a student the possibility would have seemed unattainable," he recalled.

"But I am proud that this is where I have ended up. I have always enjoyed my life in the law."

Donald Graham Hill, who died on Wednesday aged 66, was the leading tax judge in Australia for more than a decade.

His family was not rich, his parents died when he was young, and he attended the University of Sydney law school on a scholarship, graduating in the same year as High Court judges Murray Gleeson and Michael Kirby.

But it was Justice Hill who friends said was a private person, reticent about himself who won the university medal.

Admitted as a solicitor in 1962, he made partner at the then Dawson Waldron in 1970, was admitted to the bar in 1976 and appointed a QC in 1984.

As barristers, he and Murray Gleeson worked on the now famous anti-avoidance tax provision enacted in 1981 by then-treasurer John Howard.

Appointed to the Federal Court in 1989, he wrote many of the leading tax judgements but it was a speech about justice, the rule of law and asylum seekers that made the front-page of newspapers recently.

"Someone once said that the price of liberty is eternal vigilance. That has never been truer in Australia than right now," he told a Sydney University graduating class in May 2002, the same day he received an honorary doctorate.

The trend for law-makers to immunise administrative decisions from courts was "disturbing".

"As a judge I think there is nothing more significant in what I do than to stand between the government and the citizen to ensure that the law has been obeyed."

He studied at Harvard and London University, and in the same 2002 speech, recalled meeting Russian students as a postgraduate student.

"They refused to believe that a student from Australia whose parents had not been rich and who had died long before I had graduated could have gone to university . . . I am really grateful for the many opportunities I have had."

He was Sydney law schools's longest-serving teacher, lecturing every term for the past 40 years, and had a "research and publication record of which a full-time academic could be proud", chancellor and judge Kim Santow said.

Just before he died he gave his usual Tuesday evening stamp duties lecture.

"Graham was a tax titan leading judge, author, teacher, mentor and representative of the tax profession who could always find time for whatever was asked of him," said Richard Vann, Challis professor of law at the university.

Chief Justice Michael Black said Justice Hill was "dedicated, widely respected and regarded with great affection by colleagues . . . and an exceptionally fine judge".

Cynthia Coleman, who invited him to be patron of the Australasian Tax Teachers Association, said: "He came to every conference, he gave a fabulous technical talk, and he always said 'put me up in the cheapest accommodation so I can meet the most people' he made himself available to everybody."

Justice Hill had been due in his court, 23D, on Wednesday at 9am. His associate was worried because it was unlike him to be late.

He is the third sitting judge the Federal Court has lost this year.