

# CURRICULUM VITAE

## CAREER SUMMARY

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*Dr. James Smith is a Barrister at Martin Place Chambers and has been advising and representing both private and public sector clients in the areas of planning, environment, property and local government law for approximately 15 years.*

*After being awarded the APA Commonwealth Scholarship James completed a PhD in environmental hydrogeochemistry and has since published material in a number of international journals and textbooks. He regularly provides guest lectures in environment and planning law at the University of NSW and Macquarie University, both to undergraduate and postgraduate students.*

*James has held a number of committee appointments including regional coordinator in Sydney for the IUCN - Commission on Environmental Law, the Executive Councillor of the Environment and Planning Law Association (NSW) Inc and Chair of the NSW Young Lawyers Environmental Law Committee. In 2015 James was also appointed to NSW Law Society Advisory Committee for Specialist Accreditation in Local Government and Planning Law.*

*In 2008 James was awarded the Law Council of Australia's Young Environmental Lawyer of the Year Award for an "outstanding contribution to environmental law". In 2009 he published his Third Edition of the Practitioner's Guide to the Land and Environment Court of NSW. In 2010 he obtained Specialist Accreditation in Local Government and Planning Law from the NSW Law Society. In 2012 James was recommended nationally as one of the top 20 "rising stars" environment and planning lawyers in "Doyle's Guide" - Australia's Leading Lawyers and in 2015 was "recommended" in the Leading Planning and Environment and Barrister – Sydney category.*

## ADMISSIONS DETAILS

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Supreme Court of New South Wales - 30 May 2003

High Court of Australia - 13 October 2003

NSW Law Society Specialist Accreditation - 1 September 2010

## TERTIARY QUALIFICATIONS

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1999-2005      Doctorate of Philosophy  
University of New South Wales

1999-2002      Bachelor of Laws - Honours 1<sup>st</sup> Class  
University of Technology Sydney

1994-1998      Bachelor of Science (Advanced Science) in Earth and Environmental Science - Honours 1<sup>st</sup> Class  
University of New South Wales

## EMPLOYMENT HISTORY

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Barrister-at-Law  
Martin Place Chambers

April 2015: Barrister (full-time)

Transport for NSW  
Roads and Maritime Services

Feb 2013 – April 2015: Legal Counsel (full time)

Norton Rose Fulbright  
Environment and Planning Group

Sep 2007– Feb 2013: Senior Associate (full time)

DLA Piper  
Environment, Planning, Local Government Group

Apr 2005–Sep 2007: Solicitor (full time)

PricewaterhouseCoopers Legal  
Environment and Planning Group

Jul 2001–Apr 2005: Paralegal and Associate (full time)

NSW Industrial Relations Commission ERM Group <i>Contaminated Sites Division</i>	Jan 2003–Jun 2003: Tipstaff to Hon. Justice P. Staunton Dec 2000–Jun 2001: Environmental Scientist (part time)
University of New South Wales <i>Biological, Earth and Environmental Sciences</i>	Mar 1999–Jun 2001: APA-Commonwealth Scholarship - PhD
Ausgrid <i>Environmental Services Unit</i>	Jun 1998–Mar 1999: Graduate Engineer (full time) Nov 1997–Mar 1998: Summer Clerk (full time)
University Lecturing Positions	Macquarie University: Mar 2008–Present (casual) University of New South Wales: Mar 1999–Present (casual)

## **COMMITTEE APPOINTMENTS AND ASSOCIATIONS**

NSW Bar Association 2015 - Present  
 Member, International Association of Hydrogeologists 2001 - Present  
 Member, Australian Institute of Geoscientists 2003 - Present  
 Regional Co-ordinator in Sydney, IUCN Commission on Environmental Law 2005 – 2010  
 Executive Councillor, Environment and Planning Law Association (NSW) Inc: 2008 – 2015  
 Executive Councillor, National Environmental Law Association Inc. 2008 – 2012  
 Chair, NSW Young Lawyers, Environmental Law Committee: 2003 -2008  
 Executive Councillor, NSW Young Lawyers: 2004 -2008

## **EMPLOYMENT PARTICULARS**

### **TRANSPORT FOR NSW**

**February 2013 – April 2015**

Legal Counsel (Senior Executive Service Level 3) in Environment, Planning and Property Law deployed to the Roads and Maritime Services within the Transport for NSW cluster. The role provided strategic legal advice and services to support the business and operations of the transport portfolio over a broad range of areas including: administrative law, environment, planning, property, compulsory acquisition, infrastructure projects, local government, tenders and contracts, regulatory matters, governance, prosecutions and alternative dispute resolution. Key challenges within the role included:

- Providing strategic and concise legal briefings to the Minister and Chief Executive as well as reviewing Cabinet Minutes and proposed legislative changes, new legislation and regulations.
- Working with a team of in-house of lawyers to deliver quality, efficient and expert legal advice and services to Transport for NSW/Operating Agencies.
- Managing external lawyers to ensure that prompt, expert and professional advice and support is provided when required and often at short notice and overseeing the management of the panel.
- Establishing and maintaining sound communication and relationships within Transport for NSW/Operating Agencies and their stakeholders.

### **NORTON ROSE FULBRIGHT (previously known as Deacons)**

**September 2007 – February 2013**

Senior Associate reporting to three partners in the Environment and Planning Group and having responsibility for a number of direct reports (Associates and Graduate Solicitors).

This role involves providing legal advice to financial institutions, developers, companies, utilities, local, state and federal government agency clients on the environment and planning law aspects of a wide range of activities including residential, commercial and industrial developments and the full spectrum of infrastructure (electricity, gas, water, telecommunication and road) projects. Key areas of expertise involve:

- Commercial transactions (acquisitions, disposals and leasing), property disputes, statutory compliance and reporting requirements associated with contaminated land and site remediation leading to increased property asset security and reduced future liabilities.
- Advising extensively on project development applications as well as various client environmental policies, procedures and workplace instructions which have enabled clients to build capacity to comply with their statutory obligations, including dealing with environmental impact assessment, vegetation clearing, threatened species, cultural heritage, management of waste and incident response.
- Environment Protection Authority investigations, defending criminal proceedings and negotiating amendments to environmental protection licences which have resulted in reduced company exposure to financial penalties and improved operations and environment sustainability of licensed facilities.
- Regularly appearing as a solicitor advocate in the NSW Land and Environment Court in both merit review and declarations and injunctions proceedings. This has resulted in obtaining numerous successful project approvals for developer clients; timely and cost effective prosecutions and restraints of statutory breaches for local council clients.
- Developing and subsequently delivering tailored training programs on environment and planning law to meet client business needs and key environmental concerns. Training topics have included environmental impact assessment and procedures, approvals and licences, incident response and environmental due diligence for managers and directors.

**DLA PIPER (previously known as Phillips Fox)**

**April 2005 – September 2007**

Solicitor in the Firm's Environment, Planning and Local Government Group acting on both litigious and non-litigious matters covering the spectrum of environment and planning law both in NSW and Nationally. Key achievements included:

- Represented and provided advice to various Commonwealth and State Government authorities including: the NSW Minister for Planning in relation to land acquisition and just terms compensation proceedings; advising as part of the DLA Phillips Fox team to the Sydney Water Corporation's construction of the Critical Infrastructure Desalination Plant; providing environment and planning advice to the Commonwealth Department for Defence on contracts for property disposal and protecting existing infrastructure.
- Acting for and advising clients in disputes associated with the contaminated land and compliance with the *Contaminated Land Management Act 1997* (NSW) including instructing counsel in significant Full Federal Court of Australia proceedings and a High Court special leave application.
- Appointment as the Firm's 2IC for the National Water Law Campaign and the internal technical expert for the Firm's National Contaminated Land Law Campaign contributing to a number of profitable business development programs.

**PRICEWATERHOUSECOOPERS LEGAL**

**July 2001 – April 2005**

Engaged initially as a paralegal and following graduation in a Bachelor of Laws as a solicitor with promotion through to Associate in the Firm's Environment and Planning Group. Key achievements included:

- Successfully representing developer and Council clients in NSW Land and Environment Court merit review appeals and advising mining law clients in relation to planning law, environment and due diligence requirements of mining activities in Western Australia and New South Wales.
- Providing strategic environmental advice in relation to the obligations and entitlements under the *Native Vegetation Conservation Act 1997* (NSW) and acting for private board scale agricultural clients in class 1 NSW Land and Environment Court appeals against stop work orders and directions to undertake remedial works.
- Advising water law clients in relation to water licensing under the *Water Management Act 2000* (NSW) and water infrastructure and operational issues under various pieces of NSW legislation.

**ENVIRONMENTAL RESOURCE MANAGEMENT (ERM Group Inc)**

**December 2000 – June 2001**

Employed as an environmental scientist conducting hydrogeological and hydrogeochemical investigations and Environment Impact Assessments for NSW COAL in relation to underground long-wall coal mining operations in

NSW. Advising generally and working as a project environmental scientist on numerous environmental impact and contaminated site assessments.

**AUSGRID (previously known as Energy Australia)**

**November 1997 - June 1998**

Accepted into the organisation's graduate engineering program within the Engineering Department's Environmental Service Unit. Key achievements included:

- Preparation of Environmental Impact Assessments for various electricity infrastructure projects and Project Engineer for Sub-transmission Substation contaminated site assessments and designed a bioremediation hazardous waste treatment plant for the remediation of hydrocarbon contaminated soil.
- Conducting audits for Environmental Legislative Compliance and Waste Minimisation and Management. Drafting text for various environmental legislative awareness programs including training software programs and developing Energy Australia's Total Catchment Management policy and Soil Handling and Sediment Control guidelines.
- Writing of submissions to the National Greenhouse Challenge, Hacking River Catchment Management Plan, the National Avian Mortalities study, and Natural Resources Data Directory with regards to Energy Australia's operations.

**MACQUARIE UNIVERSITY**

**March 2008 – Present**

Ongoing retainer to lecture components of Environmental Law and Policy (GSE 801) in the Master of Environmental Planning and Management programs, Division of Environmental and Life Sciences, Graduate School of the Environment.

**UNIVERSITY OF NEW SOUTH WALES**

**March 1999 – Present**

Ongoing retainer to lecture environment and planning law components of Environmental Impact Assessment (GEOG 3911) and Coastal Resource Management (GEOH 3921) in the Faculty of the Built Environment and School of Biological, Earth and Environmental Sciences.

**SELECTED PUBLICATIONS**

- SMITH, J.V.S., 2009 (editor) A Practitioner's Guide to the Land and Environment Court of NSW. Third Edition. New South Wales Law Society ISBN 0 9756003 65 (Also managing editor of Second Edition 2006)
- SMITH, J.V.S., 2002. Water Licensing in NSW- An analysis of recent policy initiatives to achieve resource conservation and the implication for procedural fairness. In: 4th Australasian Natural Resource Law and Policy Conference. Sydney, 24-25 October 2002.
- SMITH, J.V.S., AND PETERSEN I., 2002. Judicial assessments involving acid sulfate soils, status and recent developments in merit appeals and judicial reviews in NSW. In: 5th International Acid Sulfate Soils Conference, "Sustainable Management of Acid Sulfate Soils ", Tweed Heads, 25-30 August 2002.
- SMITH, J.V.S., AND LYSETER R., 2002. Management Committees, emerging issues of water resources assessment and sustainability in New South Wales. In: 27th Hydrology and Water Resource Symposium: The Water Challenge - Balancing the Risks. Melbourne, Australia. 2002.
- SMITH, J.V.S., AND PETERSEN I., 2002. Legal and risk management issues associated with excavated material management In: 28<sup>th</sup> General Assembly and World Tunnel Congress "Modern Tunnels - Challenges and Solutions". Sydney, 2-8 Mach 2002. ISBN 085825 802 1.
- SMITH, J.V.S., AND JANKOWSKI, J. 2006. Natural Occurrences of Inorganic Arsenic in the Australian Coastal Groundwater Environment - Implications for Water Quality in Australian Coastal Communities. In: Managing Arsenic in the Environment. Naidu R. et. al. (eds) CSIRO Publishing, Collingwood, Australia 129-153.

- SMITH, J.V.S., JANKOWSKI, J, AND SAMMUT, J. 2003. Vertical distribution of As(III)and As(V) in a coastal sandy aquifer: Factors controlling the concentration and speciation of arsenic in the Stuarts Point, groundwater system, Northern New South Wales, Australia. Applied Geochemistry 18, 1479-1496.
- SMITH, J.V.S., AND JANKOWSKI, J. 2002. The distribution of nitrate, phosphate and ammonia in a coastal sandy aquifer. A stable isotopic assessment of the influences of agriculture on the groundwater environment. In: Sutton BG (Ed.), Proceedings of the Irrigation Australia 2002 Conference, Sydney, Australia, 21-23 May 2002. 176-185.
- SMITH, J.V.S., JANKOWSKI, J. AND ACWORTH, I. 2001. Hydrogeochemical, isotopic and hydrogeological investigations of a proposed coastal wetland restoration: Yarrahapinni Wetland, Northern New South Wales, Australia. In: Seiler, K.P., Wohnlich, S. (Eds.), Proc. XXXI Congress. IAH, Munich, Germany, 10-14 September, 2001. Rotterdam, Balkema. 1291-1295.
- SMITH, J.V.S, AND JANKOWSKI, J. 2001. The application of rare earth elements hydrogeochemistry in the delineation of coastal heavy mineral placer deposits. In: Seiler, K.P., Wohnlich, S. (Eds.), Proc. XXXI Congress. IAH, Munich, Germany, 10-14 September, 2001. Rotterdam, Balkema. 201-205.

### **SELECTED SPORTING ACHIEVEMENTS**

- 2010 Sydney Corporate Biathlon Championships (Norton Rose Team) – 1<sup>st</sup> Place
- WildEndurance Challenge 100 km (run) –1<sup>st</sup> Place 12:11 hours (50 km rely team entry 2010)
- BlackBerry City Chase (Sydney) 2010 – 3<sup>rd</sup> Place (Male team entry)
- UrbanMax Adventure Race (Sydney) 2009 – 1<sup>st</sup> Place 2:56 hours (Male team entry)
- Best Marathon time: 2013 Berlin Marathon, Germany - 2:54 hours
- Best Half Marathon time: 2009 Sydney Morning Herald Half Marathon - 85:32 minutes
- Best 10km time: 2014 Launceston Tasmania - 36:54 minutes
- Best Olympic Triathlon time: 2014: Byron Bay Tri-festival - 2:15 hours
- Oxfam Trailwalker Sydney 100km (run) 15<sup>th</sup> place – total time 16:24 hours