

TIMOTHY SMARTT

Tenth Floor Chambers
Level 10, 180 Phillip Street, Sydney NSW 2000
T: (02) 8915 2337 | E: smartt@tenthfloor.org

Professional Experience

2019 – 2021	Solicitor (Commercial Litigation), Corrs Chambers Westgarth
2019, 2020	Casual Lecturer (Criminal Law), University of Sydney
2018 – 2019	Associate to the NSW Attorney General
2017	Tipstaff to the Hon Justice Brereton AM RFD
2016 – 2017	Paralegal, Clayton Utz
2013	Transfer Pricing Intern, PricewaterhouseCoopers

Education

2014 – 2016	Juris Doctor, University of Sydney <ul style="list-style-type: none">• John George Dalley Prize No. 1B (2016)• Dean's List for Excellence in Academic Performance (2016)• Governor-General's Prize (2016)• Winner, Sydney Law School Contracts Moot (2014)• Winner, Sydney Law School Witness Examination (2014)• Winning Team, national Shine Lawyer Torts Moot (2014)• Wigram Allen Scholarship for Juris Doctor Award (2014)
2010 – 2013	Bachelor of Arts (Economics and Plan II Honours) and Bachelor of Science (Psychology), University of Texas at Austin <ul style="list-style-type: none">• Highest Honours (2013)• Departmental Honours in Psychology (2013)• Distinguished College Scholar (2013)• Stephen Michael Sanders Scholarship (2012)• Unrestricted Endowed Presidential Scholarship (2012)• Dean's List (2010-2013)• University Honours (2010-2013)

Publications

2022	Timothy Smartt, Sanaz Talaifar and Samuel D Gosling, 'Dostoevsky's conjecture: Evaluating personality impressions based on laughter' 46 <i>Journal of Nonverbal Behavior</i> (Special Issue of the Science of Laughter) 383
2018	'Book Review: Leading Cases in Contract Law' (2018) 92(7) <i>Australian Law Journal</i> 563
2018	'The Doctrine of Extended Joint Criminal Enterprise: A "Wrong Turn" in Australian Common Law' (2018) 41(3) <i>Melbourne University Law Review</i> 1324
2017 – present	Thomson Reuters, <i>Robson's Annotated Corporations Legislation</i> (co-author of commentary on various parts of the <i>Corporations Act</i>)

Selected current and past matters

Led

- *Beame; Els v Commissioner of Police & Anor* [2023] NSWSC 347; 297 A Crim R 131– acting for persons challenging penalty notices issued for allegedly breaking COVID-19 restrictions, with the case eventually resulting in the withdrawal of approximately 60,000 fines issued during the pandemic, worth a combined value of approximately \$55m (led by K Richardson SC)
- *Farmer v Minister for Home Affairs* (High Court) - acting for an American political commentator in her constitutional challenge asserting that a provision of the *Migration Act 1958* (Cth) infringes the implied freedom of political communication, arising out of the Minister for Home Affairs refusing her a visa to visit Australia (led by P Herzfeld SC)
- *Faruqi v Hanson* (Full Federal Court) – acting for Senator Pauline Hanson in her constitutional challenge to s 18C of the *Racial Discrimination Act 1975* (Cth) (led by S Chrysanthou SC, with R Harvey)
- *Hanson v Burston* [2023] FCAFC 124; 413 ALR 299 – acting for Senator Pauline Hanson in her successful defence of defamation proceedings, in which she proved that the applicant senator had sexually abused a staffer in his office (led by S Chrysanthou SC)
- *Pure Metals Pty Ltd v Shaw and Partners Ltd* (NSW Supreme Court) – acting for the owner of shares in a mining company in its claim against its broker for allegedly misappropriating its shares in collusion with another party (led by C Withers SC)
- *Russell v Australian Broadcasting Corporation (No 3)* [2023] FCA 1223; 303 FCR 372 – acting for a former commando platoon commander in successful defamation proceedings against the ABC for false accusations of participation in war crimes (led by S Chrysanthou SC and N Olson)
- *Edwards v Nine Network Australia Pty Ltd (No 5)* [2024] FCA 422 – acting for a barrister in successful defamation proceedings against the Nine Network for broadcasting *A Current Affair* episode that falsely accused her of stealing a celebrity dog (led by S Chrysanthou SC and N Olson)

Unled

- *Veale v Coleman* [2024] FCAFC 83; 304 FCR 182 – acting for the respondent in an appeal concerning the construction of exchange rate requirements in the *Bankruptcy Regulations 2021* (Cth) (unled)
- *Hersant v R* (County Court of Victoria) – acting for the first person convicted of the Victorian offence prohibiting the public performance of the Nazi salute in his appeal against his conviction and his constitutional challenge to the law based on the implied freedom of political communication (unled)
- *Woolf v Brandt* [2023] NSWCA 290 – acting for the successful respondent in an application for leave to appeal from a decision that held that defamation proceedings were an abuse of process, maintained with the purpose of continuing contact with the respondent and maintaining pressure on him as a part of a recriminatory process following the break-up of the parties' relationship (unled)
- *Newman v Whittington* [2022] NSWSC 249; (2022) Aust Torts Reports ¶82–793 – acting for the defendant in proceedings that generated the first Australian superior court authority construing the serious harm requirement introduced into the Australian Uniform Defamation Laws (unled)
- *SC v DC* (District Court, unreported) – acting for a sex worker who successfully sued his former client in battery and breach of contract after she fraudulently induced his consent with representations that she intended to pay for his services (unled)