

TIMOTHY SMARTT

Tenth Floor Chambers
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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’ (Forthcoming), <i>Journal of Nonverbal Behavior</i> (Special Issue of the Science of Laughter).
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 matters

Tim accepts briefs in all areas of law, including commercial law, public law, media law and insurance law.

Led

High Court

- *Garlett v The State of Western Australia* (HCA, ongoing) – constitutional challenge to the *High Risk Serious Offenders Act 2020* (WA) (for the amicus curiae, led by G McIntyre SC and S Hartford Davis)

Federal Court

- *Burston v Hanson* (FCA, ongoing) – claim for defamation against Senator Hanson (for the respondent, led by S Chrysanthou SC)
- *Rabul Goyal & Jennifer Anne Nettleton in their capacities as joint and several (special purpose) liquidators of ACN 154 520 199 Pty Ltd (in liq) and Anor v Phillip George Cochineas & Ors* (FCA, ongoing) – claim of breach of directors' duties (for the plaintiffs, led by C Withers SC and S Hartford Davis)

Supreme Court

- *Employers Mutual Ltd v Heise* [2022] NSWSC 465 – appeal from private prosecution under the *Workplace Injury Management and Workers Compensation Act 1998* (for the plaintiff, led by N Chen SC)
- *Employers Mutual Ltd v Heise (No 2)* [2022] NSWSC 663 – application for costs in criminal proceedings (for the plaintiff, led by N Chen SC)
- *Campbell v Murray Irrigation Ltd; Murray Irrigation Ltd v Campbell* (NSWSC, ongoing) – application for judicial advice and application by beneficiary for trust documents (for the beneficiary, led by D Sulan SC)
- *Anjoul v Woodhams & Ors* (NSWSC, ongoing) – claim for the return of deposit under a contract for the sale of land (for the plaintiff, led by S Lawrance SC)
- *RMLA v Anglican Diocese of Riverina* (NSWSC, settled) – claim of historical child abuse (for the second defendant, led by S McCarthy)

Local Court

- *Heise v Employers Mutual Ltd* (NSWLC, determined) – private prosecution under the *Workplace Injury Management and Workers Compensation Act 1998* (for the defendant, led by N Chen SC)

Unled

Federal Court

- *In the matter of Defugo Group Australia Pty Ltd* (FCA, ongoing) – application for winding up (for the respondent)
- *Walsh v TAL Life Limited* (FCA, settled) – appeal on a question of law from a decision of the Australian Financial Complaints Authority (for the respondent)

Federal Circuit and Family Court of Australia

- *Maaz v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FedCFamC2G 92 – application for judicial review of migration decision (for the applicant, pro bono)

- *Samartis v Marsdens Law Group* [2021] FCCA 1630 – application to set aside bankruptcy notice and claim of estoppel (for the applicant, pro bono)

Supreme Court

- *Newman v Whittington* [2022] NSWSC 249 – application to strike-out defamation pleadings, consideration of newly enacted serious harm to reputation threshold (for the defendant)
- *In the matter of DC Partners (Nominees) Pty Ltd* (NSWSC, determined) – application to set aside statutory demand (for the respondent)
- *Newman v Whittington* [2022] NSWSC 160 – privilege objections in response to notice to produce (for the defendant)

District Court

- *Toyota Material Handling Australia Pty Ltd v Devinsire Investments Pty Ltd & Anor* (NSWDC, ongoing) – claim for breach of contract, conversion and detinue (for the plaintiff)
- *Big Scrub Food Science and Technology Pty Ltd v Defugo Group Australia Pty Ltd* (NSWDC, ongoing) – claim for payment of consulting services (for the defendant)
- *Newport v Li & Anor (No 2)* [2022] NSWDC 132 – application for indemnity costs (for the first defendant)
- *O'Shanassy v Turland* [2021] NSWDC 642 – application to set aside a subpoena in defamation proceedings (for a subpoenaed party)

Local Court

- *Davidson White Accountants Pty Ltd v White* (NSWLC, determined) – claim for recovery of unauthorised expenses against former employee (for the plaintiff)
- *Transocean Administration Services Pty Ltd v Marshall* (NSWLC, determined) – claim for recovery of money advanced pursuant to a loan (for the plaintiff)
- *Bilansky v Nadile* (NSWLC, ongoing) – claim by roofing contractor for breach of contract (for the plaintiff)

NCAT

- *Peng v Chief Commissioner of State Revenue* (NCAT, ongoing) – merits review of decision of Chief Commissioner to require repayment of First Home Owner Grant (for the respondent)
- *Rigby v Wilson and Bishop* (NCAT, determined) – consumer claim for defective construction (for the applicant, pro bono)