

TIM (Timothy John) WISHART
70 Gilruth Road
KENMORE 4069

Date of Birth: **2 October 1956**

Place of Birth: **Melbourne**

Marital Status: **Married**

Contact details: **0408 707 147**
tim@timwishart.com.au
P.O. Box 107, Kenmore, 4069

Current occupation:

Principal Legal Officer – Queensland South Native Title Services Limited.

Principal – Tim Wishart Solicitor – admitted Queensland, New South Wales and High Court of Australia.

Other:

Nationally Accredited Mediator

Unrestricted Principal's Practising Certificate (Queensland)

Date of Admission – 12 December 1991

Current Australian Passport

Current open Queensland Drivers Licence

Leading Native Title Lawyer – Government and Traditional Owner Bodies – Doyle's Guide 2016 and 2017

CAREER SUMMARY

CURRENT

Principal Legal Officer - Queensland South Native Title Services - September 2011 - continues

- Providing leadership and managing the operations and the performance of the QSNTS Legal and Operations Team.
- Contributing to the effective management of QSNTS.
- Assisting with the development of policies and procedures regarding QSNTS' performance of statutory and contractual functions.
- Providing reports and advice, as required, to the CEO of QSNTS and to the QSNTS Board.
- Acting as corporate counsel to QSNTS on a range of organisational issues.
- Contributing to the development and execution of the QSNTS Strategic Plan.
- Assisting with the preparation of reports, funding submissions or similar documentation that may be required by the Department of The Prime Minister and Cabinet or other agencies.
- As part of the QSNTS management team, participating in and maintaining effective liaison with external stakeholders.
- Coordinating the preparation and conduct of native title claims.
- Providing high-level, strategic advice to native title claimant groups.
- Identifying the need for, and managing the provision of, external legal assistance.
- Drafting submissions to the Court and preparing briefs for counsel and management as required.
- Working closely with QSNTS' Research Team to ensure that all research work is undertaken in compliance with the relevant legislation and in accordance with the legal strategy for each claim.
- Solving complex problems and clearly articulating difficult legal concepts to Indigenous groups and individuals.
- Liaising with Traditional Owner groups and with relevant bodies, Government agencies, companies and other stakeholders concerning native title matters.
- Attending claimant meetings to, amongst other things, obtain instructions and to provide information and advice to claimants.
- Determining the strategic direction of individual claims, in consultation with management and external advisors.
- Representing Aboriginal communities and groups in proceedings before the Federal Court, the National Native Title Tribunal and in negotiations with regard to proposals for the use, development and acquisition of land.
- Preparing evidence and overseeing and managing the provision of connection and other expert reports.
- Liaising with and coordinating counsel, anthropologists, historians, linguists and other consultants.
- Researching policy issues affecting native title and draft briefs for management on emerging and significant policy and planning issues which may affect the work of QSNTS.
- Researching legal issues and background information for native title claims and agreement negotiations.

- Negotiating agreements with stakeholders in relation to land and other interests.
- Representing QSNTS at national, State and other forums dealing with legal and strategic issues related to native title.
- Liaising with staff and consultants in matters requiring a coordinated application of legal and other resources.
- Undertaking other tasks, relevant to this position, on an *ad hoc* basis as required by the Chief Executive Officer.

Other Current Appointments

Board member – The Langports Trust

Previous Legal

Queensland South Native Title Services

Deputy Principal Legal Officer – November 2010 – September 2011. Duties included responsibility for the management and prosecution of applications for Native Title Determinations, oversight and leadership of claims teams, liaison with matter specific client groups and third party stakeholders. Oversight of legal officers and the progress of matters under their supervision. Liaison with stakeholders including; Traditional Owners, Federal Court, National Native Title Tribunal, State of Queensland, Crown Law. Filling the role of Principal Legal officer on an acting basis as required. Representing the organisation in State and National meetings and other forums.

Senior Legal Officer – September 2010 – November 2010 Duties included responsibility for the management and prosecution of applications for Native Title Determinations, leadership of claims teams, liaison with client groups and third party stakeholders.

Sole Practitioner September 2008 – August 2010. Clients included The O’Keeffe Group – providing contract legal and management services to a closely held group of companies (which formerly included the Matilda Fuel Supplies business). Property work, documenting transactions and arrangements, dispute resolution, insolvency, wills and estates, commercial leasing, liquor licensing and gaming.

Matilda Fuel Supplies/Neumann Petroleum Pty Ltd July 2007 – August 2008. In house lawyer covering a wide and diverse portfolio including property, trade practices, agency and dispute resolution

McMahons National Lawyers 16 January 2006 – 30 June 2007
Heading the commercial section of the Queensland branch of this multi-state firm.

Walker Smith & Breen Solicitors. September 1995 – January 2006

- Associate – Sept 1995 – October 1999
- Partner - 1999.
- Sole proprietor 1 October 2001. – 16 January 2006

Howard Gill & Brown Solicitors - February 1991 to September 1995.

- Law clerk (post articles)
- Employed solicitor
- Associate

Warren Gardiner & Co. Solicitors - January 1986 - February 1991

- Articled clerk

EXPERIENCE / ACHIEVEMENTS

Current professional issues-

- Acting professionally and effectively as the Principal Legal Officer of Queensland South Native Title Services Limited.
- Succeeding as PLO of QSNTS at a time when the environment in which the organisation operates was and remains volatile and professionally challenging.
- Successfully dealing with a constant stream of challenges that go beyond legal work and include; politics, indigenous rights, dealing with difficult (and sometimes damaged) people and greed.
- Continuing the development of the QSNTS legal practice into a highly professional and well respected operation.

Private Practice Highlights-

- Assumed, on short notice, the conduct of and responsibility for a very significant action against the promoters of an unregistered managed investment scheme by the liquidator of the corporate vehicle. This involved mastering a large and complex mass of documents, assimilating the information, making the mass of documentary information comprehensible and appointing and briefing counsel and forensic accountants. Ultimately negotiated an outcome that was highly favourable to my clients (the defendants).
- Involved in commercial litigation and dispute work through mentoring and advising my colleagues and subordinates. In effect I advised on or managed the strategic aspects of litigation.
- Presented client education seminars in the area of changes wrought by the 'Work Choices' legislation.
- Assuming responsibility for a struggling firm after a highly disruptive and distressing event, identifying strengths and weaknesses in the firm, making the necessary changes to the structure and direction of the firm and ultimately making a reasonably successful business out of the firm.
- Spent time in Malaysia negotiating and documenting a complex joint venture arrangement between Australian and Malaysian interests. The work also involved advising the Australian interest on licencing and protecting intellectual property

- Successfully acted on a *no-win no-fee* basis (representing a blind elderly widow (*I know – but its true*)) in the first Queensland case testing the limits of an attorney's powers under the *Powers of Attorney Act 1998* (see *Smith –v- Glegg* [2004] QSC 443)
- Acted for a major cotton merchant in defending a multi-million dollar claim arising from futures trading and currency hedging.

EDUCATION

Tertiary:

Q.U.T. (1986 - 1991)
Bachelor of Laws

Post graduate:

Queensland Law Society Practice Management Course -
Passed with Distinction

Q.U.T. Mediation Course

LEADR Mediation Course

Australian Advocacy Institute Course - advocacy intensive

Ongoing annual professional development

National Mediation Accreditation – Cyngler Consulting
December 2016

FAMILY

I am married and the father of triplets (two sons and a daughter) born on 1 November 1996.

OTHER

I served as the External Students' representative on the Q.U.T. Law Academic Board, 1990 and 1991, on an ad hoc committee deliberating on the basis for awarding academic honours, and on the Academic Review Committee.

My life experience, which includes-

- management of emergency situations and responses including dealing with the management and immediate aftermath of fatal incidents;
- hands on experience in small business (as a manager and an employee);
- manual labour;
- exposure to bureaucratic structures

has given me a broad experience through which bring I pragmatism and add value to any role I fill.