Curriculum Vitae



**The Hon. Simon R Molesworth AO QC**

**BA, LLB, LFEIANZ, FAICD, FAIML, FVPELA, FFAHS, PIA (Hon.F), C.Env.P., M.ICOMOS, MRSV**

Non-Executive Director, Pastoralist, Queen’s Counsel, former Judge, former Professor and multi-awarded Community Leader in a diversity of sectors with an experience of leadership on boards, commissions, management committees and advisory councils spanning 49 organisations.

Having been the chair or president of 19 organisations/corporations, Molesworth has been acknowledged by his peers as an inspirational leader in his fields, nationally and internationally, as confirmed by having been appointed a fellow of six professional organisations and having received a multiplicity of honours and awards in all his disciplines. Australia has recognised his achievements by honouring him as a Member of the Order of Australia in 1994, awarding him the Centenary Medal in 2001 and then elevating him to Officer of the Order of Australia in 2012.

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***Molesworth’s Key Attributes as a Board Director, Commissioner, Community Leader and Legal Adviser.***

* Diverse corporate governance experience across multiple sectors, including ASX listed corporations, professional institutes, public sector boards and commissions, private & public foundations and trusts, NGOs, incorporated associations and unincorporated associations.
* Strategic policy strategist, with an acknowledged record of foreseeing societal trends and governmental reforms; and, in his differing fields, preparing for and leading organisational responses to external change, so as to maintain stability, secure viability and move forward.
* Change management and transformational leadership, with a *forte* in establishing, relaunching and rebuilding organisations from start-ups to national and international entities.
* Risk management expertise, with a particular focus on best practice in environmental management and OH&S standards at State, National and International levels. Over the last 15 years, climate change preparedness, embracing both mitigation and adaptation has been a key emphasis.
* Social corporate responsibility – with awareness and skills developed across a wide cross-section of the charitable sector including the fields of environment, health, heritage and community support.
* Senior legal expertise, developed across multiple areas of legal practice, recognised & honoured at the highest level, including reaching in 2020 the milestone of 25 years as a Queen’s Counsel, having been a Justice of the Land & Environment Court of NSW and with prior years in Victoria as a Tribunal Senior Legal Chair.
* Highly developed communication skills, finely attuned after decades of public speaking, chairing public forums and regular interaction with both the electronic and printed media.
* Career long experience and ease interacting with Local, State, National and International leaders, including ministers, premiers, prime ministers, diplomats and corporate leaders the world-over.
* Acute understanding of Government processes, specifically the roles and responsibilities of those appointed to public sector entities, be they commissions, councils or advisory committees, having held 22 public sector positions (4 with the Australian Government, 14 with State Governments and 4 with Local Government).
* Notable track record establishing and leading new organisations and initiatives in their founding years; ensuring sound foundations are built, charting succession planning and then transitioning the organisation’s leadership to his successors.

***Biographical References***

**LinkedIn**: <https://www.linkedin.com/in/simon-molesworth-ao-qc-0440ba14/?originalSubdomain=au>

**Dever’s Barristers List:** <https://www.deverslist.com.au/devers-list/molesworth-ao-qc-simon>

**Wikipedia**: <https://en.wikipedia.org/wiki/Simon_Molesworth>

**Monash University**: <https://www.monash.edu/about/structure/senior-staff/president-and-vice-chancellor/fellows-past>

**EIANZ:** <https://www.eianz.org/membership-information/professor-simon-molesworth-ao-qc-feianz/professor-simon-molesworth-ao-qc-feianz>

**International National Trusts Organisation:** <https://intoorg.org/about-into/archive/those-who-have-served>

**Who’s Who In Australia** (listed annually for over 25 years)

***Legal Expertise, Practice & Reform***

**OVERVIEW**

Molesworth, who in 2020 reached the milestone of twenty-five years as a Queen’s Counsel (QC), remained in active practice until his judicial appointment in January 2017, a practice which included appearances regularly before the Supreme Court in Victoria and the Victorian Civil & Administrative Tribunal in cases within his specialty. He is recognized nationally and internationally as a leader in the fields of environmental law, natural resources law, climate change law and heritage law.

After initially practicing as a solicitor (from 1978) with Blake & Riggall (now Ashursts), Molesworth became a barrister in Victoria in 1984 and was appointed a **Queen’s Counsel** in 1995, specialising in environmental, planning, heritage, natural resource, land and climate change law.

Molesworth was first commissioned to be a Judge of the **Land and Environment Court of New South Wales** from January 2017, an acting, but full-time, judicial appointment. He delivered his final LEC judgment in May 2019. The Land and Environment Court of NSW was the first specialist environmental superior court in the world, when established in 1980. The judges of the Court have the same rank, title, status and precedence as the Judges of the Supreme Court of NSW. The Court’s jurisdiction includes merit review, judicial review, civil enforcement, criminal prosecution, criminal appeals and civil claims about planning, environmental, land, mining, water, heritage, valuation, compensation, Aboriginal land, tree disputes and related matters.

He returned, part-time, to the Victorian Bar in July 2019.

Amongst his previous legal appointments Molesworth was a Senior Legal Member of the Planning Division of the **Administrative Appeals Tribunal** of Victoria in 1987-88 and a Senior Legal Member of the previous Victorian **Planning Appeals Board** in 1986-87**.** He was also in 1994 the Victorian **State Mining Warden,** a statutory appointment pursuant to the Mineral Resources Development Act.

Molesworth has chaired or contributed to Government commissions of inquiry, both public and confidential, in fields ranging from mineral resources, water management, heritage listing and forestry.

With diverse corporate governance experience across multiple sectors, including 3 ASX listed corporations, professional institutes, public sector boards and commissions, private & public foundations and trusts, NGOs, incorporated associations and unincorporated associations, Molesworth has been the chair or president of 19 of these corporate entities. Of these, Molesworth was the inaugural chair of four during their formative years, firmly laying the pathway for these organisations’ effective and viable futures.

Molesworth’s senior and successful leadership track record has been recognized by his appointments as a **Fellow** of both the **Australian Institute of Company Directors** and the **Australian Institute of Managers and Leaders** in 1996 and 1999 respectively.

Risk management, with a particular focus on best practice in environmental management and OHS standards at State, National and International levels, is core to his expertise. Over the last 15 years, climate change preparedness, embracing both mitigation and adaptation strategies, has also been a key emphasis of both his professional practice and his extra-curricular public organisational roles.

***Environmental Law, Management, Policy & Reform***

Molesworth’s legal career has repeatedly confirmed that he is a national and international leader in the field of Environmental Law. As early as 1989 Molesworth was awarded the **Australian Environmental Law Award** for being a person who has "*made an outstanding contribution to the development and understanding of environmental law in Australia*". In 2013, the **Law Council of Australia, Legal Practice Section,** awarded Molesworth its **Lifetime Dedicated Service Award** for his leadership in his field of environmental practice.

Molesworth founded on 7 March 1979, and was the Inaugural Chair till 1983, Australia's first environmental law association, the **Environmental Law Section of the Law Institute of Victoria** (ELS). In this role he oversaw six standing committees of the Institute covering the areas of legal practice in environment, planning, natural resources & energy, heritage and animal & wildlife law. It was a heady time of reform in Victoria with the Cain Labor Government. The ELS, led by Molesworth, wrote a multiplicity of submissions on the reform of laws relevant to the environment, having a significant influence on the course of legislative and policy reform.

Then in 1983, Molesworth became a founder and Inaugural President of the **National Environmental Law Association of Australia** (NELA) which he led for some years. Coinciding with the election of the Hawke Labor Government in Canberra, NELA, led by Molesworth, played a pivotal role influencing the development of environmental law in the 1980s. Numerous submissions were written, delegations led and advisory roles filled. In September 2020 Molesworth was appointed an **Honorary Life Member of NELA**.

Molesworth was also a Founder and Inaugural Chairman of the Board (1990-97) of the **Environment Defenders Office (Victoria) Limited**, being an independent public interest legal centre providing environmental law services to the Victorian community. During this time, Molesworth assisted the move to establish EDO legal centres in every Australian State and Territory.

**ENVIRONMENT PROTECTION LAW & THE VICTORIAN EPA.**

Molesworth has had a career-long practice working with the Victorian *Environment Protection Act* *1970.* The Victorian Government appointed Molesworth to the Victorian Environment Protection Authority’s **Pollution & Waste Management Advisory Panel** (1982-86), being an advisory panel to the chairs of the EPA. After the PWMA Panel ceased, Molesworth remained in an informal capacity as a confidential strategic adviser to successive EPA chairs for almost 25 years.

On a formal basis, Molesworth was continually briefed by the EPA, first as junior counsel and then as Queen’s Counsel for his entire career at the Bar from May 1984 to January 2017, for 33 years, during which years Molesworth was involved in every aspect of disputation, licensing, tribunal appeals, judicial reviews traversing all parts of the EP Act. There would be no part of the EP Act that has not, at some stage, been the subject of his advice, whilst appearing in a multiplicity of hearings involving the EPA in the course of his career.

An aspect of practice which has been a constant when working with the EP Act, has been the recurrent issues associated with landfills and the management of waste generally. Over the course of his career Molesworth has advised the EPA on successive policies and legislative reforms of the statutory provisions regarding waste management. He has acted for the EPA in numerous cases involving landfills and waste management at both the tribunal and Supreme Court levels.

Whilst a Tribunal Senior Member in the 1980s he wrote one of the seminal Tribunal decisions regarding landfill management, which guided subsequent decisions for many years. As a judge of the Land and Environment Court of NSW, he wrote a landmark decision *Olefines Pty Ltd v Valuer-General of New South Wales* [2018] NSWLEC 18 (since upheld by the Full Court of Appeal – *Olefines Pty Ltd v Valuer-General of New South Wales* [2018] NSWCA 265) regarding the valuation of contaminated industrial land. This case required a comprehensive examination and interpretation of the NSW legislation relating to the contamination of land. In between those decisions, from the mid-1980s to 2017, barely a year passed without Molesworth having some involvement in providing advice to both private sector clients and government and/or appearing in related cases

**ENVIRONMENT IMPACT ASSESSMENT (EIA).**

Molesworth’s EIA experience commenced during his years as a solicitor at Blake & Riggall (now Ashursts) where he worked on one of the Nation’s then largest industrial projects, the Alcoa Portland Aluminium Smelter. Being the primary solicitor guiding the site selection and then construction of the Smelter project, every aspect of EIA was the subject of Molesworth’s advice, with him overseeing the preparation of the Nation’s then most exhaustive EIA report. This Alcoa EIA Report and subsequent decisions led to a succession of superior court decisions eventually concluding in the landmark High Court case *Onus v Alcoa of Australia Ltd* (1981) 149 CLR 27, in which Molesworth was the instructing solicitor. This initial experience led to regular involvement with national EIAs and/or EES’s in Victoria, both as a solicitor then as a barrister, throughout his career.

With the *Environment Effects Act 1978* (EE Act) coming into operation just as the Law Institute’s ELS was formed, Molesworth, as chair, convened the first professional law seminars on the new Act. He then become one of Victoria’s most experienced practitioners working with the new legislation. He was appointed by the Victorian Government to an Advisory Panel to review the EE Act in 1985 and then was retained by the Victorian Ministry of Planning & Environment as an independent consultant to review **Environment Assessment Procedures & Legislation** (1985-86). Molesworth’s report to the Government, (which included the drafting of a model EIA Act to replace the EE Act), led to some initial minor legislative changes, but his major reforms were not finally adopted until the major 1994 amendments to the EE Act. In the meantime, Molesworth’s EIA report influenced the drafting of the EIA legislative reforms incorporated into subsequent South Australian legislation.

At the Federal level, Molesworth’s experience with EIA bridged the Commonwealth’s *Environment Protection (Impact of Proposals) Act 1974* through to its replacement within the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Molesworth, wearing a number of extra-curricular professional hats, primarily that of National President of the EIANZ, was at the ‘coal face’ of negotiating the final form of many aspects of the EPBC Act, including those provisions dealing with EIA. During these years, Molesworth fostered a close professional relationship with the International Association of Impact Assessment (IAIA), the leading global network on best practice in the use of impact assessment for informed decision-making.

With this extensive background ensuring familiarity with comparative EIA legislative processes across Australia and overseas, Molesworth has, throughout his career at both State and Federal levels, been involved with EIA as a legal adviser, reviewer and legislative reformer.

**ENVIRONMENTAL MANAGEMENT EXPERTISE.**

In 1985 Molesworth was a founder of what became the **Environment Institute of Australia,** the professional association of those whose core discipline is environmental management. During his 10-year presidency from 1995 to 2005, he guided its expansion into New Zealand in 2002, it thus becoming the **Environment Institute of Australia and New Zealand** (EIANZ**).**

As the paramount professional institute for those whose core practice and training is environmental management, Molesworth’s 35 years of continual professional involvement has ensured he has remained current and abreast with all policy and legislative reforms within his fields of expertise. Molesworth maintains his status as a professionally accredited **Certified Environmental Practitioner**, under the national certification scheme which was established during his term as EIANZ president and which requires adherence to continuous CPD training.

Apart from being appointed a Fellow of the Institute in 1998 and awarded the Institute’s highest honour, that of Honorary Life Member in 2005, the EIANZ named its highest award in Australasian environmental professional practice, awarded annually, “The Simon Molesworth Award”.

In acknowledgment of his work in the development of environmental law and policy, throughout his career Molesworth has received a multiplicity of honours and awards at State, national and international levels. To highlight just two relevant to his practice in developing environmental policy: in 1995 Molesworth was awarded the **State Environment Award** by the Government of Victoria in recognition of his “*significant contribution to environment protection in Victoria 1970-1995”;* and in 2003 the United Nations Association of Australia awarded him the **World Environment Day Award** for Outstanding Service to the Environment.

**UNIVERSITIES**

Molesworth has performed key roles within the University sector relevant to his professional specialties, having been appointed in October 2010 an Adjunct Professor of **La Trobe University’s La Trobe Institute for Social & Environmental Sustainability**, before transferring to the Vice Chancellor’s Office of Sustainability for 2013.

From June 2013 to 31 December 2016, Molesworth was a **Vice Chancellor’s Professorial Fellow** at **Monash University**. During his term he was a member of the Vice Chancellor’s Environmental, Social and Governance Working Group charged with the responsibility to draft the University’s ESG Statement to guide the deliberations of the University Council.

Monash University awarded Molesworth its 2006 **Distinguished Alumni Award** “*for outstanding professional achievement, inspirational leadership & exceptional human qualities”* essentially for his initiatives with respect to environmental management, law and policy.

Throughout his career Molesworth has been proactive in presenting papers to conferences and seminars nationally and internationally in his multiple disciplines. He has regularly contributed articles to professional journals and publications, whilst determinedly reaching out to wider audiences by writing contributions for popular/informal media, including maintaining a high profile within the electronic media, such as radio.

***Climate Change Law and Policy***

Increasingly over the last 15 years Molesworth has been building a global advice practice focused on the legal and policy response to climate change. Founded on his international experience and building upon his legal and policy work within the broad environmental sustainability area, Molesworth identifies global best practice by which the public and private sectors can adopt adaptation and mitigation strategies to lessen both their vulnerabilities and potential liabilities in relation to climate change. Through his global networks, Molesworth constantly tracks legislative and policy reforms so as to position himself to provide effective strategic advice.

As Chair of the International National Trusts Organisation (INTO) for 10 years, Molesworth led INTO’s work on Climate Change, establishing an international advisory working party from 16 participating national organisations. Informed by such consultation processes, Molesworth led INTO’s annual UNFCCC accredited delegation, as Head of Delegation, to the UN’s UNFCCC COP15 in Copenhagen, and then with the support of La Trobe University COP16 in Cancun, COP17 in Durban and COP18 in Qatar. At each of the UNFCCC COPs he attended, Molesworth made presentations to public and delegate forums, whilst directly liaising and negotiating with delegates, including ministers and ambassadors, comprising national delegations. From COP19 onwards other INTO officers have attended the COPs with Molesworth maintaining input and close interaction whilst remaining based in Australia

Amongst other international declarations, he is the author of *The Victoria Declaration on the Implications for Cultural Sustainability of Climate Change* adopted in Victoria, Canada, in 2011 and subsequently endorsed by organisations representing some 10 million people; and *The Entebbe Declaration Calling for Global Action to Protect and Promote Tangible and Intangible Heritage, especially within the Least Economically Developed Nations,* adopted in Entebbe, Uganda, in 2013.

Molesworth has maintained a high international profile delivering addresses and papers on many aspects of climate change policy, law and reforms. During the last 10 years he has addressed climate change issues in presentations in Fiji, India, New Zealand, China, Hong Kong, Indonesia, Vietnam, Uganda, Qatar, South Africa, Croatia, the USA, Canada, the UK, the Netherlands, Germany, Turkey, Portugal, Greece and, of course, Australia.

***Heritage Law & Policy***

Molesworth is acknowledged nationally and internationally as an expert in heritage law. He has recurrently appeared before tribunals, Heritage Council panels and in the Victorian Supreme Court involving heritage law issues, associated with protective listings, development proposals and/or related planning projects. His advice has guided private and public sector clients, including relevant government instrumentalities at both State and National level. He has presented numerous papers on heritage law to conferences across the world at a multiplicity of international conferences. Many of his papers on heritage law, policy and practice have been published.

As a judge of the Land and Environment Court of NSW, Molesworth presided over some significant judicial review cases requiring the heritage laws of NSW to be interpreted. His most discussed reported judgment on NSW heritage law, being *Millers Point Community Assoc Inc v Property NSW* [2017] NSWLEC 92, known as ‘The Sirius Building case’, has been the subject of workshops, articles and papers across Australia. This judgment is considered to be a major contribution to the jurisprudence of heritage law.

Since 1991 Molesworth has been an accredited professional heritage practitioner of ICOMOS and continuously been a professional member of Australia ICOMOS.

As a consequence of this experience and expertise, at state, national and international levels he has been appointed to numerous private and public sector advisory bodies. An overview follows.

**AUSTRALIAN - NATIONAL.**

Molesworth was a Commissioner of the Commonwealth’s **Australian Heritage Commission** for 5 years from 1987. As one of 7 commissioners, he was responsible for identifying and advising the Australian Government on Australia’s National Estate. During the years 1987 to 1992, a key role of Heritage Commissioners was to also to provide advice to the Australian Government on policies and issues relating to Australia’s World Heritage places. One of the roles Molesworth performed whilst a Heritage Commissioner, was to preside, many times, over public hearings convened to hear objections to, and submissions in support of, proposals to list heritage places on the Register of the National Estate. A number of these hearings related to regional agreements and listings in association with thematic studies.

From 1996 until 2010, when he retired after the then longest-standing tenure, he was a member of the Australian Government’s **National Cultural Heritage Committee**, which was responsible for advising the Commonwealth on all statutory functions under the *Protection of Moveable Cultural Heritage Act*. During his fourteen-year tenure, Molesworth was party to numerous recommendations with respect to stop orders pertaining to cultural items persons wished to export and/or auction. This Committee also supervised the National Cultural Heritage Fund, which provided the means for the Commonwealth to acquire items of national significance to be retained in the national collections in the public interest.

From 1988 to October 2009 (21 years) he was a board member of the **ACNT** – the **Australian Council of National Trusts -** and was its chair, 2001-06. In this capacity he participated as a delegate in Commonwealth Government established national co-operative forums: the **Regional Cultural Alliance** (2003-06) and the **National Cultural Heritage Forum** (2002-07), which were established to provide high-level advice to the Australian Government Ministers and the relevant Federal Department responsible for formulation of heritage policies and administration of heritage protection measures.

**INTERNATIONAL**

Molesworth was the foundation Chair of the Executive Board of the **International National Trusts Organisation** (“INTO”) from December 2007 to September 2015. From 2005 he was an inaugural member and then Chair of the INTO Steering Committee. INTO is the co-ordinated voice for National Trusts and like heritage organisations worldwide with over six million members and tens of millions of supporters.

In this global Chair role, with INTO’s global headquarters based in London, for a decade Molesworth interacted with the heritage organisations and agencies from the sixty-eight nations in which INTO member organisations were based. He continually interacted with relevant agencies, IGOs, NGOs and UN agencies, leading international delegations, attending international forums and directly communicating with ministers and other national government representatives across the globe regarding heritage laws, policies and practices.

From late 2009 to October 2015, Molesworth was the **ACNT’s International Affairs Ambassador**, 2009-15, representing the Australian National Trusts at the biennial INTO World Congresses and at other international forums, including the annual Europa Nostra Congresses and the Best in Heritage Conventions convened annually in Dubrovnik, Croatia. In fulfilment of has ambassadorial role, every year he addressed a number of major international conferences on heritage law and policy, focusing on climate change and World Heritage.

In recognition of his professional support of European cultural advocacy, in 2016 Molesworth was honoured by being appointed an **Honorary Life Member** of **Europa Nostra**, Europa Nostra being the pan-continental collaboration of all European cultural organisations from all European nations. In 2015, Molesworth was awarded **Honorary Life Membership of Din L-Art Helwa**, the National Trust of Malta.

**STATE**

Molesworth was a councillor (board member) of the **National Trust of Australia (Victoria)** from 1980-2005, during which time he was honorary chair and then president for almost 20 years. He remains an Honorary Life Member, an Ambassador of its Foundation and in February 2019, was appointed **Patron**.

During his time as chair, Molesworth had the oversight of the entire operations of the Trust, exposing him to the multiplicity of heritage management issues requiring practical advice to resolve, frequently reinforced by legal advice. The Trust chair’s role in those years was more akin to an executive chair, requiring day-to-day interaction and decision-making. He was the public face of the Trust, directly responsible for all communications and negotiations with the Victorian Government. He maintained a high-public profile in the media, pursuing a communication strategy intent on continually engaging with Victorian communities

Molesworth was also a founding board member 1989-2003 of the **Melbourne Heritage Restoration Fund**, and its Chair from 1995-2003, the Fund being a joint initiative of the State Government, City of Melbourne and the National Trust, established to provide grants or revolving loans to the owners of heritage properties throughout the inner suburbs of Melbourne.

***Planning & Development Law, Policy and Reform***

Commencing with his establishment at Blake & Riggall (now Ashurst), in 1980, of a planning and development practice, acknowledged as the first such specialized practice amongst Australia’s largest legal firms, Molesworth’s career has continuously included planning law matters at every level of adjudication advising both private and public sector clients involving a multiplicity and great diversity of projects.

In acknowledgment of his leading practice in the field of planning, the Victorian Government in early 1986 appointed Molesworth as a Senior Legal Member of the Victorian **Planning Appeals Board**, a position he held until the **Administrative Appeals Tribunal** **of Victoria** was established in mid-1987, at which point he was appointed aSenior Legal Member of the Planning Division of the AAT. He held that position until he resigned in mid-1988 to take up a Commonwealth Government appointment as a Commissioner of the Australian Heritage Commission.

The Victorian Government appointed Molesworth to the Victorian **Planning Act Reference Group** in 1984 to advise on the revision of the then State planning legislation. Subsequently, the Government appointed him to the **Victorian Planning Advisory Council** (1993-96) and then the **Victorian Local Government & Planning Advisory Council** (1996-99), positions enabling him to have continuous input on the operation and review of the State’s planning and related legislation.

As further confirmation of his standing as a practitioner in the field of planning, Molesworth was appointed an **Honorary Fellow** of the **Planning institute of Australia** in 1999 and then in 2000, a **Fellow** of the **Victorian Planning and Environment Law Association.**

Molesworth’s period as a judge on the **Land and Environment Court of NSW** (LEC) required him to determine many major judicial review cases which had been brought to challenge planning and development decisions. Unlike his experience as a Senior Legal Member of two of Victoria’s former planning tribunals, which largely involved merit reviews of planning decisions, Molesworth’s LEC judicial review experience, including instances of civil enforcement, required him to repeatedly examine planning law and policy in practice determining the lawfulness of the decisions made at first instance. A number of Molesworth’s decisions have been considered landmark cases. In particular *Dungog Shire Council v Hunter Industrial Rental Equipment Pty Ltd (No 2)* [2018] NSWLEC 153, constituted one of the most extensive examinations of NSW planning law in the context of related environmental law and resource management law (reputedly the largest decision in the LEC’s 40 year history). This decision was subsequently upheld by the Court of Appeal in *Hunter Industrial Rental Equipment Pty Ltd v Dungog Shire Council* [2019] NSWCA 147.

***Natural Resources Law (Including Water Law, Mining Law & Energy Law)***

Molesworth’s practice has continuously included advice work and litigation in the broad natural resource field. Commencing whilst a Senior Associate with Blake & Riggall (now Ashurst) when he advised a number of major mining companies on project development, his career at the Bar seamlessly continued this connection with a number of mining companies, including Alcoa of Australia Limited and Perseverance Mining regularly briefing him. In addition to regularly providing advice, he represented both community organisations and resource companies in hearings before successive planning tribunals, planning panels, in hearings before the State Mining Warden and in the Supreme Court of Victoria.

He was for a number of years on the Victorian State Committee of the Australian Mining and Petroleum Law Association (AMPLA). As a former member of the International Bar Association’s Natural Resources Section and Environmental Law Section, he has been an invited (and published) speaker on natural resources law topics at IBA World Conferences held in Washington DC, Oxford University and Singapore. Similarly, he has been a published speaker at AMPLA conferences in Australia.

Whilst a Senior Member of two of Victoria’s former planning tribunals in the 1980s, he presided over a number of merit review appeal cases in mining and extractive industry, a number of which were reported in the planning law reports. Similarly, during his term as a judge of the Land and Environment Court of NSW, he again was charged with adjudicating natural resource cases, specifically with respect to extractive industry.

He was in 1994 appointed the **Victorian State Mining Warden**, a statutory appointment pursuant to the *Mineral Resources Development Act.* In this role Molesworth presided over hearings to resolve disputation regarding mining activity in rural Victoria. These Mining Warden hearings were the successor of the former Mining Warden’s Court and before that, historically, the Mines Court Division of the Supreme Court.

On three occasions, Molesworth has been appointed by successive Victorian Governments to advise on reviews of resource legislation. First, he was appointed (1982-3) a member of the Department of Minerals & Energy’s Mining Advisory Committee leading to the major 1984 reforms of the then *Mines Act 1958*. Secondly, he was appointed (1988-9) to the Victorian Law Reform Commission’s advisory committee reviewing the Mines Act, which led to the introduction of the *Mineral Resources Development Act 1990*. Finally, in 2005 he chaired the **Commission of Inquiry** regarding environmental issues under the Victorian *Mineral Resources Development Act* (2005). The outcome of this Inquiry, following the submission of his report on areas of advisable reform, led to legislative enactment of a reformed Act, now the *Mineral Resources (Sustainable Development) Act 1990.*

**RELEVANT BOARD EXPERIENCE.**

In the context of Molesworth’s career long experience advising on resource law, he accepted appointments to the boards of four corporations in the natural resources field, three of which were listed on the ASX. Amongst these corporations he chaired three of these boards. As one example, to mid-2010 he was chair for three years of **Greenearth Energy Limited**, an ASX listed geothermal energy company. During his time as Chair of Greenearth, Molesworth proactively participated in national industry forums in the renewable energy sector and specifically participated in numerous delegations to meet with government ministers and departments, sector meetings and seminars focused on geothermal energy.

Molesworth’s extensive involvement with and knowledge of the renewable energy sector has led to various other extra-curricular appointments. As one instance, from October 2016 to November 2018, Molesworth was an elected board member of ‘Renew’, the **Alternative Technology Association**, an organisation in the vanguard of innovative approaches to renewable energy and sustainable living initiatives in Australia.

**WATER LAW**

With respect to Water Law, again Molesworth has had a career long experience acting for public authorities, corporations, land owners and community organisations with respect to water law issues. Amongst his clients as a barrister have been major public water authorities. His experience has extended from advice, to merit review cases before successive Victorian tribunals and then judicial review before the Supreme Court.

During his terms as a Senior Member of two Victorian planning tribunals in the mid-1980s he regularly presided over water law cases, the tribunals having absorbed the jurisdiction of the earlier Victorian Drainage Tribunal. A number of Molesworth’s drainage law case decisions, including irrigation disputes, were reported.

Subsequently, when a judge of the Land and Environment Court in NSW, he again found himself presiding over a number of water law cases. Molesworth’s landmark judgment in *Randren House Pty Ltd v Water Administration Ministerial Corporation (No 4)* [2019] NSWLEC 5, constitutes an exhaustive analysis of water regulation in NSW, in particular under the *Water Management Act 2000* with respect to Water Sharing Plans. Subsequently, the NSW Court of Appeal upheld Molesworth’s judgment in an extensive examination of water law in *Randren House Pty Ltd v Water Administration Ministerial Corporation* [2020] NSWCA 14.

***Land Acquisition, Compensation and Valuation Law***

The law relating to land acquisition, compensation and valuation has been a core component of Molesworth’s practice throughout his career. He has advised both public and private sector clients, including government instrumentalities over the decades, appearing before the relevant successive tribunals and before the Victorian Supreme Court. A number of his major cases have been reported in the law reports.

As a Senior Member of the Victorian AAT in the 1980s he presided over valuation and compensation cases. More recently, as a judge of the Land and Environment Court in NSW, he presided over a number of very major valuation and land compensation cases, many of which have been reported in the law reports. As mentioned above, his landmark decision *Olefines Pty Ltd v Valuer-General of New South Wales* [2018] NSWLEC 18 (since upheld by the Full Court of Appeal – *Olefines Pty Ltd v Valuer-General of New South Wales* [2018] NSWCA 265) involving the valuation of contaminated land, required the application of valuation principles to considerations never before examined. Another instance of a significant Molesworth judgment in the valuation field, involving complex issues with respect to valuation and compensation is *Barkat v Roads and Maritime Services* [2018] NSWLEC 209. This judgment was also upheld by the NSW Court of Appeal in *Barkat v Roads and Maritime Services* [2019] NSWCA 240.

***Corporate Governance, Management & Risk Assessment***

Molesworth would be unable to provide the legal advice that he has in relation to environmental, planning, heritage and natural resource law, unless he has had a superior knowledge of corporations law and equivalent legal frameworks for other entities.

In addition to relevant legal knowledge, Molesworth, a Fellow of the Australian Institute of Company Directors, has an extensive practical experience in corporate governance. He has a sound working knowledge of the Australian laws and regulatory policies relevant to governance, management and risk assessment. In addition to being a senior barrister with a career long familiarity with the legislative frameworks for corporate governance, Molesworth has somewhat unique insights gained from his personal diverse corporate governance experience across multiple sectors. Molesworth has been a director or member of some 49 boards, committees of management or advisory entities, including being the chair or president of 19 of these corporate entities. These entities include: 3 ASX listed corporations; professional institutes; 22 public sector boards, commissions and committees; private & public foundations and trusts; NGOs; incorporated associations and unincorporated associations.

Change management and transformational leadership are strong characteristics of Molesworth’s career long experience in corporate governance, with a *forte* in the provision of advice leading to establishing, relaunching and rebuilding organisations from start-ups to national and international entities. In each of his fields of law, environment, heritage, health and agriculture he has established and rebuilt organisations to become viable, continuing and leading entities in each field.

***Public Law and Administrative Law***

At the heart of all of Molesworth’s areas of legal practice is public law and administrative law. It is unnecessary to elaborate the obvious that Molesworth would be unable to practice in his areas of expertise, such as environmental law, providing the advice that he has over decades, without a comprehensive understanding, and an expert’s appreciation of the principles in action, of public law and administrative law in practice.

Further, from his role as at Senior Legal Member of the **Administrative Appeals Tribunal of Victoria** (1987-88) through to him being a judge with the Land and Environment Court of NSW (2017-19), where judicial review was the predominate work during his judicial commission, Molesworth’s superior knowledge of public law and administrative law must be acknowledged.

***Land and Property Law***

Akin to the last section, it would not be possible to practice in environmental law, planning, heritage law, natural resources law or most particularly in the field of land valuation, compensation and acquisition, without a superior understanding of Land Law and Property Law. Molesworth’s practice at the Bar has always included the provision of advice to landowners and land managers on issues giving rise to the examination of property law principles. For instance, he has had extensive experience over many years providing advice to what was once the Department of Crown Lands and thereafter the Department of the Environment (by whatever name it has had from time to time).

Further, Molesworth brings to his role as a barrister providing advice on Land and Property Law, the rare advantage of extensive government appointments relating to the ‘Crown Estate’. At the Victoria State level, he was from 1994 to 1998 a member of the Board (and for a time Deputy Chairman) of **Melbourne Parks & Waterways,** which subsequently became **Parks Victoria**, a State owned corporation responsible for the Crown Estate in Victoria including all national parks, state parks, conservation reserves and public coastlines.

Similarly, from August 2016 to September 2018, as an appointee of the NSW Minister for Environment & Heritage, Molesworth was a member of the **Far West Regional Advisory Committee to the NSW National Parks & Wildlife Service**, of which he was elected the Deputy Chair. In this role, he as charged to give practical advice on the management of all the parks and reserves in Western NSW.

He has also been a Governor-in-Council appointee, on a number of occasions as chair and deputy chair, to various Crown Reserve Committees of Management, including the **Old Treasury Building Melbourne** (1993-99 and Deputy Chair 1995-99), the **Yarra River Maritime Precinct** and the **Sorrento First Settlement site**.

In short, Molesworth has the unique advantage of superior knowledge of Land and Property Law and concurrent practical experience gained from advisory roles to a range of public land managers in Victoria and NSW.

***Agricultural Law & Policy and Rural Affairs***

As a fourth-generation pastoralist, with a career-long knowledge of Agricultural Law and policy primarily in Victoria, Molesworth’s knowledge base has been extended and honed over the last 20 years of hands-on involvement in the NSW agricultural sector running a pastoral enterprise on two Outback sheep stations in Far West NSW near Broken Hill. The practical experience gained from the management of his family properties, interacting with all relevant government agencies and industry representatives, Molesworth is now identified as an advocate for a greater uptake of sustainable agricultural practices and an expert in the regulatory framework within which the agricultural sector operates.

With his family properties managed in accordance with organic farming and sustainable agricultural principles, Molesworth has gained an in-depth understanding of the multiplicity of laws and regulations which relate to agricultural enterprises and the rural land upon which such enterprises are based. Proactively encouraging biodiversity conservation, the Molesworths have established conservation reserves to protect endangered species in accordance with the relevant NSW regulatory regime and have proactively cooperated with researchers with projects designed to achieve a better understanding of land management capability within a climate change context in the Australian Arid Zone, such as participating in the NSW Department of Primary Industries’ soil carbon research project ‘Selecting for Carbon’.

The Molesworths, having experienced drought for 15 of their 20 years in their region, have proactively sought to raise awareness within the agricultural sector of climate change. Working with his daughter Anika Molesworth’s **Climate Wise Agriculture** Initiative, Molesworth was a key presenter to the 2016 forum “*Environment of change: the future of land management in the Arid Zone*” in Broken Hill and at the 2018 forum “*Outback to the Future*” at the UNSW Fowler’s Gap Research Station. Actively supportive of the initiatives of Farmers for Climate Action and constantly monitoring the implications for sustainable agriculture of climate change, Molesworth and his family are regularly in the media advocating for policy reforms in relation to climate change, especially as it affects agriculture. Two instances of Molesworth’s own television appearances in short films on the topic promoting renewable energy are Studio 10’s “Broken Hill, Mining the Sun” <https://youtu.be/lKrCXtwl_Cw> and the Climate Council’s related film “Mining the Sun” <https://youtu.be/JtkXFMuLv0A> Molesworth has two 20 minute radio interviews a week, one on ABC Radio Broken Hill and another on Radio 2Dry FM, during which he discusses environmental land management issues, regularly addressing topics such as climate change and sustainable agriculture. As at the close of 2020, Molesworth has presented a total of 130 radio interviews since April 2019.

Molesworth has been a member of Landcare for many years, engaging at both NSW State and Landcare Australia levels, addressing the NSW State Landcare Conference and participating in strategic planning at the National level. He is a member of the **Executive Committee of Western Landcare NSW**. He is the President of **Landcare Broken Hill**, one of the most dynamic Landcare groups in NSW. He is the architect of its ‘***Greening the Hill Mk2***’ Initiative which is aimed at holistically improving environmental management across the Broken Hill region embracing 42 concurrent community-wide projects. ***Greening the Hill Mk2*** was launched in April 2019, with Molesworth subsequently driving and overseeing all aspects of its implementation. Providing excellent insight into the application, effectiveness or shortcomings of agricultural and land management laws and policies in NSW, this Landcare initiative has enabled Molesworth to understand, in a practical hands-on sense, the policies applicable to Regional Australia which require improvement. With this basis, he has the knowledge and capacity to provide experienced and tested advice on the diversity of agricultural laws, policies and desirable reforms across Australia.

Since residing (half-time) in the Broken Hill region, Molesworth has been active in community affairs, focused on finding a sustainable future for a remote regional community experiencing decline. He has been a director of **Foundation Broken Hill** since 2016. It is an independent philanthropic organization with the primary objective to assist the Broken Hill region in its transition to a sustainable economy post-mining. Finding a sustainable future for a remote rural community is a common challenge right across Regional Australia. This role has provided Molesworth with an invaluable understanding of the issues confronting rural communities and focused his mind on determining strategies to secure more sustainable rural futures. With the advent of the challenges of the COVID-19 pandemic, Molesworth was enlisted on to a **Broken Hill Post-COVID Recovery Alliance**, comprising key leaders from government and the private and community sectors. Increasingly, the focus of the Alliance has been on finding ‘A New Green Deal’ to achieve post-COVID economic recovery.

Amongst professional advisory assignments in the Far West of NSW, Molesworth was a co-consultant to the **Far West RDA** reviewing the management of the Menindee Lakes, writing the 2010 report which concluded with a recommendation that the Lakes should be nominated for listing under the *Ramsar Convention for the Protection of Wetlands*. Given his expertise, he has also provided legal and policy advice to many other regional projects, such as with respect to the creation of the White Leeds Arid Wetlands near Broken Hill.

Molesworth’s regional community work has also focused on heritage conservation. In 2005 he was, in partnership with others, instrumental in the nomination of Broken Hill to the **Commonwealth’s National Heritage List**. Achieved in January 2015 after a ten-year campaign, the City thereby became the first city in Australia to achieve National Heritage listing, a step Molesworth considered necessary in order to strengthen the local regional tourism industry. In April 2019, the City of Broken Hill awarded Molesworth the **John Reid Heritage Award**, the City’s highest heritage award for ‘*Outstanding Contribution to the Heritage of Broken Hill’*.

He is a Patron of the **Broken Hill Historical Society**; an appointed member of two Broken Hill City Council Committees (pursuant to Section 355 of the NSW Local Government Act) namely, the **Broken Hill Regional Art Gallery Advisory Committee** & the **Broken Hill Heritage Advisory Committee**; and a committee member and Public Officer of the **Barrier Field Naturalists’ Club Inc**.. He was Deputy Chairman of the Far West Regional Advisory Committee to the NSW National Parks & Wildlife Service and a member of the Broken Hill Council’s Living Museum and Perfect Light Steering Committee. He is an ordinary member of the **Pastoralists Association of the West Darling** and the Pine Creek Rangecare Group.

Wider afield, Molesworth has been a member of the **Royal Agricultural Society of Victoria** for over 30 years, a member of the **Australian Plants Society** for over 40 years and in June 2020 was appointed by the Law Council of Australia to become a member of its **Rural, Regional and Remote Lawyers Advisory Committee.**