

---

## James Suter

m: 0410 696 472  
p: 1800 959 885  
e: james.suter@proximity.com.au

---



### BACKGROUND

James has over 25 years' experience as a government lawyer of which 14 years was in senior management roles. James has extensive experience in the provision of high level legal and strategic advice.

James has extensive experience in statutory interpretation, commercial law, property law, administrative law, legislative drafting, criminal law, freedom of information and corporate governance.

James was General Counsel to the Australian Pesticides and Veterinary Medicines Authority from September 1998 to June 2013 and was a member of the Executive Management Team. Prior to joining APVMA James was with the Australian Government Solicitor for 9 years where he practised in the area of commercial law with an emphasis on intellectual property matters.

### LEGAL EXPERIENCE

#### Commercial Law

As a commercial lawyer with AGS James gained extensive experience in working with standard contracts, Commonwealth procurement issues and preparing, negotiating and settling requests for tender. He drafted a number of MoUs between Commonwealth agencies, State Governments and with other countries. He has extensive experience in intellectual property matters. James has negotiated and drafted software licenses, software development agreements, escrow agreements, end user licenses and joint ventures. James is experienced in these types of transactions and in ensuring that the Commonwealth's intellectual property is adequately protected.

Whilst at AGS James was responsible for establishing the legal framework for the provision of national audiology health assessment services by external providers for the then Commonwealth statutory authority, Australian Hearing Services. At APVMA James established the legal framework for the external provision of scientific assessment services to the APVMA by Commonwealth agencies and domestic and international private providers.

James is experienced in funding and grant agreements and ensuring that the Commonwealth's funds are used in an accountable way and for the purpose for which they are intended.

#### Other Legal Experience

James' role as General Counsel at APVMA required him to not only provide authoritative legal advice in a range of areas but also to exercise business and political judgment. The role was one that required the exercise of considerable skills across a diverse range of areas in a politically dynamic environment.

The regulation of pesticides and veterinary medicines in Australia is established by a complementary constitutional scheme under which the APVMA administers the laws of the States and Territories on their behalf. The principal piece of Commonwealth legislation is that Agricultural and Veterinary Chemicals Code ("the Agvet Code") which is scheduled to the *Agricultural and Veterinary*

*Chemicals Code Act 1994*. The legislative arrangements that underpin the regulatory framework are voluminous and complex.

The issues that arise from the framework and the subject matter that is regulated by the APVMA can be extremely challenging. There can be issues concerning the use of pesticides and the community, issues with Australia's trading partners in relation to residues in export commodities and regulatory enforcement issues such as product recall and prosecution of offenders. It was within this environment that James provided high-level legal and policy advice to the then Board and CEO.

James was responsible for the provision of legal services to, and overseeing the corporate governance of, the APVMA. These services included a strong focus on administrative law with particular emphasis on making sound legally defensible decisions underpinned by scientific data.

### **Working with Scientists**

James has extensive experience in working with scientists. The APVMA is a scientific organisation and is staffed with scientists from varying disciplines. One of James' key roles as General Counsel at APVMA was to ensure that its regulatory decisions were legally sound and that the science that underpinned those decisions was not open to challenge.

James has worked with agronomists, chemists, biochemists, entomologists, physicists, parasitologists, virologists, toxicologists, veterinarians, botanists, immunologists, plant physiologists, environmental scientists, agricultural scientists and engineers. He has extensive experience in the scientific-legal interface and ensuring sound legal outcomes in science-based matters.

James acted for extended periods of time in other senior executive roles at the APVMA. From November 2007 to May 2008 he was the senior executive in charge of the Regulatory Strategy and Compliance Program. This program was responsible for all compliance matters, public affairs and media, corporate secretariat support and the APVMA's contractual arrangements with external service providers. The position was also responsible for the work of the APVMA's two Principal Scientists. From January 2009 to December 2009 James was the senior executive responsible for the evaluation and registration of veterinary medicines. This involved James being responsible for the decision-making framework, data requirements and risk assessment of applications to register veterinary pharmaceutical products. He was also responsible for Good Manufacturing Practice, which licenses veterinary pharmaceutical manufacturers in a very similar way the Therapeutic Goods Administration does for human drugs.

James is highly experienced in a broad range of legal areas. He brings a common sense approach and has a long history of finding workable solutions to complex problems. He is particularly experienced in risk management and using the legal framework creatively to find ways forward in difficult situations, particularly in scientific areas.

**QUALIFICATIONS**

- › Bachelor of Laws (University of New South Wales)
- › Bachelor of Arts (Honours) (University of New South Wales)
- › Admitted as a lawyer of the Supreme Court of New South Wales and the Supreme Court of Tasmania