


ELEVEN WENTWORTH



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Rachel Mansted

Rachel's practice involves a mixture of led work, including in complex and high profile litigation, as well as appearing unled in interlocutory and final hearings.

She regularly appears in all New South Wales Courts and Federal Courts, and has experience in the High Court, Royal Commissions, commercial arbitrations, and a variety of tribunals.

Rachel has experience in the following areas of law:

Commercial

- Class actions
- Contract
- Corporations law and insolvency
- Financial services
- Professional negligence
- Property law
- Restraints of trade
- Trusts

Public

- Constitutional law
- Land and Environment Court
(incl aboriginal land claims,
state significant development)
- Judicial review
- Native Title
- Statutory construction

Admissions: NSW Bar | 2014
Legal Practitioner, NSW & Federal Court | 2008
Highest aggregate mark, Feb 2014 bar exams
Christopher Gee QC memorial prize: evidence and advocacy

Qualifications: BCL (Dist) (Oxon)
Conflict of Laws; Restitution; Transnational
Commercial Law; International Law of the Sea

BIR/LLB (Hons I) (Bond)
University Medal in Law
University Medal in Humanities

Background: Solicitor, King & Wood Mallesons
Dispute resolution (litigation)
Banking & finance

Associate, the Hon Justice Crennan AC
High Court of Australia

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COMMERCIAL

2017

<i>Donau Pty Ltd v ASC AWD Shipbuilder Pty Ltd</i> (NSWSC 2016/163292)	Led by I Jackman SC and E Holmes for ASC. Contract dispute re construction of Air Warfare / Hobart Class Destroyers.
<i>Capic v Ford Motor Company</i> (NSD 724/2016)	Product liability class action (vehicles), led by G Sirtes SC and P Cashman.
<i>CBX2 Pty Ltd v National Australia Bank</i> (NSWSC 2014/243962)	Banker / customer law, ongoing matter. Led by R Scruby for corporate accountholder.
<i>Perera v Genworth Financial Mortgage Insurance Pty Ltd</i> [2017] NSWCA 19	Negligent valuation and associated issues. Led by E Holmes for Genworth in NSWCA proceedings and referred defamation proceedings in District Court.
<i>Cantor & Tolentino v Volkswagen</i> (NSD 1307/2015)	Class action regarding alleged emissions defeat device. For certain of the applicants. Led by B Walker SC, P Cashman.
<i>Genworth Financial Mortgage Insurance Pty Limited v Hodder Rook & Associates Limited</i> [2017] NSWSC 640	Various issues on procedural application including discontinuance and joinder. Appeared unled for Genworth.
<i>Crane v Whyte</i> (NSWSC 2015/357233)	Real property list matter regarding easement. Led by J Lazarus.
<i>Rodgers Reidy (Qld) Pty Limited v Google Australia Pty Limited</i> [2017] FCA 65	Urgent application for take-down order from internet search engine. Appeared for company ex parte, unled.
<i>Rinehart & Anor v Rinehart & Ors</i> (NSWSC 2011/285907)	Led by B McClintock SC for GH Rinehart, various matters re trust documents, account, privilege.
<i>Crowe Horwath (Aust) Pty Ltd v Mantarro & Ors</i> (NSWSC 2016/232579)	Led by P Braham SC with J Taylor for plaintiff in post-employment restraint damages claim.
<i>KJ Renfrey Nominees Pty Ltd (Trustee) in the matter of OneSteel Manufacturing Pty Ltd v OneSteel Manufacturing Pty Ltd</i> [2017] FCA 325	Post-hearing submissions regarding application of Personal Property Securities Act (PPSA) during administration.
Various ongoing / current matters in professional negligence (solicitors); workers compensation; liquidators' examinations; and off-the-plan Conveyancing Act dispute.	

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2016

<i>Leisure Inn Sydney Central v Koudounaris</i> (NSWSC 2015/273046)	Commercial lease dispute. Led by K Rees SC. Matter settled days prior to trial.
<i>Chalak v Westpac Banking Corporation</i> (NSWDC 2016/231931)	Consumer Credit Act matter. Briefed unled for Westpac.
<i>Rinehart v Rinehart</i> [2016] NSWCA 58	Privilege. Led by B McClintock SC and S Lawrance for GH Rinehart.
<i>Planix Pty Ltd v VIG 88 Developments Pty Ltd</i> (NSWDC 2016/00121621)	Construction contract dispute between subcontractor and developer. Settled prior to trial.
<i>Rasko Holdings Pty Ltd v Villawood Aged Care</i> (NSW Commercial Arbitration Act)	Contract dispute. Arbitration before Ms M Walker, including contested lay witness evidence. Unled for successful party at arbitration.
<i>Springfield Property Consulting Pty Ltd v Secured Global Opportunity Limited</i> (NSWSC 2015/38134)	Contract dispute regarding success fee, property development, misleading or deceptive conduct. Led by M Izzo. Settled prior to trial.
<i>Beachside Realty Corporation v Mulvihill; Paragon Realty v Dalgliesh</i>	Post-employment restraints / restraint of trade re real estate agents. Appeared for employees. Settled at interlocutory hearings.
<i>Breaden v Allen</i> (Local Court, 2016)	Application for access to land. Appeared unled in 2-day hearing, including cross-examination of lay and expert witnesses.

2015

<i>Bevic Holdings Pty Ltd v Wright</i> [2015] NSWCA 210; <i>In the matter of Bevic Holdings Pty Ltd</i> [2015] NSWSC 732	Appeal, winding up in insolvency, directors duties. Appeared unled for director of company bringing application for winding up in Supreme Court and Court of Appeal.
<i>In the matter of Aurelia Metals (Formerly YTC Resources Limited)</i> (NSWSC 2015/00270196)	Administrator appointed by creditor, question of solvency. For creditor (Glencore) led by R McHugh SC and D Sulan. Settled after trial.
<i>TAP Sydney CBD Pty Ltd v Lionmar Holdings Pty Ltd</i> (NSWSC 2014/360842)	Application for s 88K easement, for respondent. Settled after evidence and mediation.
<i>Greenhill Developments Pty Ltd v Cutajar</i> (NSWSC 2015/295713)	Joint venture dispute re subdivision and development of land. Settled at mediation. Led by E Holmes.

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<i>Keira Holdings v Broadcast Australia</i> [2015] NSWSC 1716	Led by P Braham SC in executive remuneration / contract dispute for Broadcast Australia.
<i>In the matter of Leasing Holdings Pty Ltd</i> [2015] NSWSC 771; <i>Pran Central Shopping Centre Ltd v Leasing Holdings Pty Ltd</i> [2015] NSWSC 281	Winding up in insolvency. Appeared unled for the company.
<i>Semantic Pty Ltd v HLB Mann Judd</i> (NSWDC 2014/374890)	Dispute regarding professional fees by technology company. Settled prior to trial.
<i>Goodman Logistics Developments (UK) v Liberty Mutual Insurance Europe Limited</i>	Dispute under Insurance Contracts Act re PII policy. Led by A Sullivan QC.

PUBLIC LAW

2017

<i>Dorante v Minister for Natural Resources and Mines / Sabatino v Minister for Natural Resources and Mines</i> [2017] QLC 15	Aboriginal land rights in Torres Strait. Interpretation of Qld Land Holding Act, interaction with Native Title Act. Led by R Merkel for appellants in Queensland Land Court. Judicial review proceedings in Qld Supreme Court ongoing.
<i>Perry Properties v Chief Commissioner of State Revenue</i> (NCAT)	Appeared unled for Chief Commissioner in dispute re application of Land Tax Act.
<i>Piper v Minister Administering the Water Management Act 2000 (No 2)</i> [2017] NSWLEC 15; [2016] NSWSC 1140	Appeared unled for Minister in Class 1 application including separate legal question re statutory interpretation.
<i>Snowy Monaro Regional Council v Chief Commissioner of State Revenue</i> [2017] NSWCATAD 14	Appeared unled for Chief Commissioner on interpretation of Payroll Tax Act.

Various ongoing advices / contested matters including Native Title, Aboriginal Land Rights Act, prosecution under Threatened Species Act.

2016

<i>New South Wales Aboriginal Land Council v Minister Administering the Crown Lands Act</i> [2016] NSWLEC 157	Led by Neil Williams SC for Minister.
<i>Plaintiff M68-2015 v Minister for Immigration and Border Protection</i> [2016] HCA 1	Challenge to lawfulness of detention on Nauru. Led by R Merkel QC and C Lehehan.
<i>Rural Funds Management Limited v The Minister Administering the Water Management Act 2000</i>	Issues under Water Management Act. Led by J Hutton.

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[2016] NSWLEC 19; [2016] NSWLEC 94

<i>Upper Mooki Landcare Inc v Shenhua Watermark Coal Pty Ltd & Minister for Planning</i> [2016] NSWLEC 6	Acted for Minister on application for judicial review of approval of Shenhua Mine. Led by A Shearer.
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<i>Lindsay v NSW Land and Housing Corporation</i> [2016] NSWCATAP 128 <i>Rush v NSW Land and Housing Corporation</i> [2016] NSWCATAP 226 <i>Adams v New South Wales Land & Housing Corporation</i> [2016] NSWCATAP 31	Appeared unled for social housing tenants in various cases in NCAT.
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2015

<i>SZUNZ v Minister for Immigration and Border Protection</i> [2015] FCAFC 32	Judicial review application, led by C Lenehan.
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<i>Wright v Commissioner of Police</i> [2015] NSWCATAD 56	Anti-discrimination matter. Led by K Eastman SC for Commissioner of Police.
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<i>CPCF v Minister for Immigration and Border Protection</i> [2015] HCA 1	Re detention of asylum seekers at sea, Maritime Powers Act. Led by R Merkel QC and C Lenehan.
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