

ELEVEN WENTWORTH



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

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

Associate, the Hon Justice Crennan AC
High Court of Australia

Some current and recent matters
-COMMERCIAL

Current

<i>Hudson v Commonwealth of Australia</i> (NSD 1155/2017)	Class action re AFFF firefighting foam at defence bases. Led by R Lancaster SC for defendant.
<i>TX Australia Pty Ltd v Network Ten</i> (SC NSW 2018/39929)	Contractual dispute. Acting for Channel Nine. Led by K Williams SC.
Takata airbags class action, Supreme Court of NSW	Led by J Sheehan QC for plaintiffs.
<i>Donau Pty Ltd v ASC AWD Shipbuilder Pty Ltd</i> (NSWSC 2016/163292)	Contract dispute re construction of Hobart Class Destroyers. Led by I Jackman SC.
<i>Capic v Ford Motor Company</i> (NSD 724/2016)	Class action re alleged defective transmission, led by I Pike SC.
<i>Dal Broi v Silver Star Fashions</i> (SC NSW 2017/141862)	66ZL Conveyancing Act re rescission of off-the-plan contracts. Led by P Braham SC.
<i>AVID v Defence Housing Authority</i> (SC NSW 2017/00288077)	Commercial list contract dispute re fees for land development. Led by K Smark SC.

2017

<i>Trevor, in the matter of the Bell Group NV (in liq)</i> [2017] FCA 927	Application to set aside examination summonses of legislative administrators. Led by M Izzo.
<i>CBX2 Pty Ltd v National Australia Bank</i> (NSWSC 2014/243962)	Banker / customer law. Led by R Scruby for corporate accountholder.
<i>Hayes v Lend Lease Darling Park One Pty Ltd</i> [2017] NSWSC 1378	Application for removal of defendant. Unled.

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<i>Malek Fahd Islamic School v Australian Federation of Islamic Councils</i> [2017] NSWSC 1712	Equitable remedies, constructive trusts and fiduciary duties. Led by K Rees SC.
<i>Perera v Genworth Financial Mortgage Insurance Pty Ltd</i> [2017] NSWCA 19	Negligent valuation and associated issues. Led by E Holmes.
<i>Genworth Financial Mortgage Insurance Pty Limited v Hodder Rook & Associates Limited</i> [2017] NSWSC 640	Unled. Various issues on procedural application including discontinuance and joinder.
<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 defendant, 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 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.
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	Legal privilege dispute. Led by B McClintock SC.
<i>Planix Pty Ltd v VIG 88 Developments Pty Ltd</i> (NSWDC 2016/00121621)	Unled. Construction contract dispute between subcontractor and developer. Settled prior to trial.
Arbitration under the NSW Commercial Arbitration Act before M Walker	Contract dispute. Contested 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.

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Beachside Realty Corporation v Mulvihill;
Paragon Realty v Dalgliesh

Post-employment restraints / restraint of trade re real estate agents. Appeared for employees. Settled at interlocutory hearings.

Breaden v Allen (Local Court, 2016)

Application for access to land. Appeared unled in 2-day hearing, including cross-examination of lay and expert witnesses.

2015

Bevic Holdings Pty Ltd v Wright [2015] NSWCA 210; *In the matter of Bevic Holdings Pty Ltd* [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.

In the matter of Aurelia Metals (Formerly YTC Resources Limited) (NSWSC 2015/00270196)

Administrator appointed by creditor, question of solvency. For creditor (Glencore) led by R McHugh SC and D Sulan. Settled after trial.

TAP Sydney CBD Pty Ltd v Lionmar Holdings Pty Ltd (NSWSC 2014/360842)

Application for s 88K easement, for respondent. Settled after evidence and mediation.

Greenhill Developments Pty Ltd v Cutajar (NSWSC 2015/295713)

Joint venture dispute re subdivision and development of land. Settled at mediation. Led by E Holmes.

Keira Holdings v Broadcast Australia [2015] NSWSC 1716

Led by P Braham SC in executive remuneration / contract dispute for Broadcast Australia.

In the matter of Leasing Holdings Pty Ltd [2015] NSWSC 771; *Pran Central Shopping Centre Ltd v Leasing Holdings Pty Ltd* [2015] NSWSC 281

Winding up in insolvency. Appeared unled for the company.

Semantic Pty Ltd v HLB Mann Judd (NSWDC 2014/374890)

Dispute regarding professional fees by technology company. Settled prior to trial.

Goodman Logistics Developments (UK) v Liberty Mutual Insurance Europe Limited

Dispute under Insurance Contracts Act re PII policy. Led by A Sullivan QC.

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Some current and recent matters -PUBLIC LAW

Current

<i>Henroth v North Sydney Planning Panel</i> (NSW LEC 266268/2017)	Unled. For respondent in a judicial review (Part 4) application by developer.
<i>Ekeru Dental v Chief Commissioner of State Revenue</i> (NCAT 2017/284295)	Interpretation of stamp duty re sale of business. Unled.
<i>McIntosh Bros Inc v Chief Commissioner of State Revenue</i> (NCAT)	Land tax; agricultural exception. Led by M Richmond SC.
<i>Spring v North Sydney Council</i> (SC NSW 2016/371758)	Section 88K easement case. Acting for council. Led by Miles Condon SC.
<i>Lukac v RANZCOG</i> (SC NSW 2017/203181)	Unled. Acting for medical college, defending Supreme Court procedural fairness application.
<i>Mookhey v Department of Financial Services and Innovation</i> (NCAT)	Unled. GIPA Act matter.

2017

<i>Wigness v Kingham, President of the Land Court of Queensland</i> [2018] QSC 20	Aboriginal land rights in Torres Strait. Interpretation of Qld Land Holding Act, interaction with Native Title Act. Led by R Merkel QC for appellants in Queensland Land Court.
<i>Dorante v Minister for Natural Resources and Mines / Sabatino v Minister for Natural Resources and Mines</i> [2017] QLC 15	
<i>4nature Incorporated v Centennial Springvale Pty Ltd</i> [2017] NSWLEC 133	Appeared unled for Minister in remitter from Court of Appeal
<i>Perry Properties v Chief Commissioner of State Revenue</i> [2017] NSWCATAD 235	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.

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2016

New South Wales Aboriginal Land Council v Minister Administering the Crown Lands Act [2016] NSWLEC 157

Led by Neil Williams SC for Minister.

Plaintiff M68-2015 v Minister for Immigration and Border Protection [2016] HCA 1

Challenge to lawfulness of detention on Nauru. Led by R Merkel QC and C Lehehan.

Rural Funds Management Limited v The Minister Administering the Water Management Act 2000 [2016] NSWLEC 19; [2016] NSWLEC 94

Issues under Water Management Act. Led by J Hutton.

Upper Mooki Landcare Inc v Shenhua Watermark Coal Pty Ltd & Minister for Planning [2016] NSWLEC 6

Acted for Minister on application for judicial review of approval of Shenhua Mine. Led by A Shearer.

Lindsay v NSW Land and Housing Corporation [2016] NSWCATAP 128
Rush v NSW Land and Housing Corporation [2016] NSWCATAP 226
Adams v New South Wales Land & Housing Corporation [2016] NSWCATAP 31

Appeared unled for social housing tenants in various cases in NCAT.

2015

SZUNZ v Minister for Immigration and Border Protection [2015] FCAFC 32

Judicial review application, led by C Lenehan.

Wright v Commissioner of Police [2015] NSWCATAD 56

Anti-discrimination matter. Led by K Eastman SC for Commissioner of Police.

CPCF v Minister for Immigration and Border Protection [2015] HCA 1

Re detention of asylum seekers at sea, Maritime Powers Act. Led by R Merkel QC and C Lenehan.
