

ELEVEN WENTWORTH



Rachel Mansted

Rachel regularly appears led and unled in all New South Wales and Federal courts and has appeared in the High Court. She also has experience in various commissions of inquiry and tribunals.

Rachel's work covers large-scale and complex litigation, as well as leading strategy and running hearings in smaller disputes. She acts for public and private corporations, government departments and agencies, and individuals.

Prior to coming to the bar, Rachel worked in commercial litigation at King & Wood Mallesons. She served as Associate to a Justice of the High Court, and completed the BCL at Oxford University with Distinction. She attained the highest mark in the bar exams and was awarded the Christopher Gee QC prize for evidence and advocacy.

Rachel's practice includes the following areas:

Commercial

- Class actions
- Contract
- Corporations law and insolvency
- Equity and trusts
- Professional negligence
- Restraints of trade

Public

- Administrative and constitutional law
- Land and environment
- Judicial review
- Native title

Admissions: **NSW Bar | 2014**
Legal Practitioner, NSW & Federal Court | 2008
Highest aggregate mark, 2014 bar exams
Christopher Gee QC Memorial Prize

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

COMMERCIAL LAW

(for public law see p 7)

Current

Dick Smith shareholder class action and receivers' litigation	For defendant / cross-defendant auditors. Led by P Braham SC.
Internet Traffic Management Solutions v Himmati	Employee dispute; constructive trusts; freezing orders. Unled.
2019	
<i>In the matter of Ralan Arncliff Pty Ltd (admins apptd)(recs and mgrs. Apptd) [2019] NSWSC 1679</i>	S 588FL application; vesting of PPSA security interest. Unled.
PFAS class action (<i>Smith v Commonwealth</i>)	Class action re AFFF firefighting foam at defence bases. Led by R Lancaster SC for defendant.
Takata airbags class action (incl <i>BMW v Brewster</i> [2019] HCA 45)	Class action regarding recalled airbags. Led by Sheehan QC for plaintiffs.
<i>Donau Pty Ltd v ASC AWD Shipbuilder Pty Ltd</i> [2019] NSWCA 185	Contract dispute re construction of Hobart Class Destroyers. Led by I Jackman SC.
<i>Rinehart v Rinehart</i> [2019] NSWCA 54	Interpretation of judgment; trust documents and trustee duties. Led by P Brereton SC.
<i>Johnston v Greens NSW</i> [2019] NSWSC 215	Political party – interpretation of constitution re preselection. Unled.
<i>Perera v Genworth Financial Mortgage Insurance Pty Ltd</i> [2019] NSWCA 10	Malicious prosecution. Application to appeal from strike out. Unled.
<i>Cubic v Angas</i> (NSWSC 2017/00258682)	Contractual dispute regarding biodiversity consultancy agreement. Led by M Izzo SC.
Partnership dispute / arbitration	Arbitration under <i>Commercial Arbitration Act (NSW)</i> .

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2018

<i>Hancock v Rinehart (Trust documents)</i> [2018] NSWSC 1684	Trustee duties; production of documents. Led by B McClintock SC.
<i>Perera v Genworth Financial Mortgage Insurance Pty Ltd (No 2)</i> [2018] NSWSC 1577; [2018] NSWSC 448	Malicious prosecution; damages; strike out; gross sum costs order. Unled.
<i>Targus Group (UK) v Targus Australia (No 3)</i> [2018] NSWSC 1761; (No 2) [2018] NSWSC 1322	Trade and commerce – anti-competitive conduct; unconscionable conduct; breach of contract. Unled.
<i>TX Australia Pty Ltd v Network Ten</i> [2018] NSWCA 312	Role of contractually appointed experts. Led by K Williams SC for Channel 9.
<i>Dal Broi v Silver Star Fashions</i> (SC NSW 2017/141862)	66ZL <i>Conveyancing Act</i> ; 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; fees for land development. Unled at trial.
<i>Gulic v Angelovski</i> (2018) 85 MVR 147; [2018] NSWCA 161	Transport accident compensation; assessment of impairment. Led by P Braham SC.
<i>Lukac v Royal Australian and New Zealand College of Obstetricians and Gynaecologists</i> [2018] NSWSC 436	Voluntary associations / clubs; procedural fairness; expulsion. Unled.

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 SC.
<i>CBX2 Pty Ltd v National Australia Bank</i> (NSWSC 2014/243962)	Banker / customer. Led by R Scruby SC.
<i>Hayes v Lend Lease Darling Park One Pty Ltd</i> [2017] NSWSC 1378	Application for removal of defendant. Unled.
<i>Malek Fahd Islamic School v Australian Federation of Islamic Councils</i> [2017] NSWSC 1712	Equitable remedies; constructive trusts; 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.

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<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. Unled.
<i>Crane v Whyte</i> (NSWSC 2015/357233)	Real property list matter regarding easement. Led by J Lazarus SC.
<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)	Various matters re trust documents, account, privilege. Led by B McClintock SC.
<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 <i>Personal Property Securities Act</i> (PPSA) during administration.
2016	
<i>Leisure Inn Sydney Central v Koudounaris</i> (NSWSC 2015/273046)	Commercial lease dispute. Led by K Rees SC.
<i>Chalak v Westpac Banking Corporation</i> (NSWDC 2016/231931)	<i>National Consumer Credit Protection (NCCP) Act</i> . 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)	Construction contract dispute between subcontractor and developer. Unled.
Arbitration under the <i>NSW Commercial Arbitration Act</i> before M Walker	Contract dispute. Unled cross-examination of lay witness evidence. Unled.
<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 SC.
<i>Beachside Realty Corporation v Mulvihill; Paragon Realty v Dalglish</i>	Post-employment restraints / restraint of trade re real estate agents. Appeared for employees. Unled.
<i>Breaden v Allen</i> (Local Court, 2016)	Application for access to land; cross-examination of lay and expert witnesses. Unled.

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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 director of company bringing application for winding up in Supreme Court and Court of Appeal. Unled.
<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.
<i>TAP Sydney CBD Pty Ltd v Lionmar Holdings Pty Ltd</i> (NSWSC 2014/360842)	Application for s 88K easement, for respondent.
<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.
<i>Keira Holdings v Broadcast Australia</i> [2015] NSWSC 1716	Executive remuneration / contract dispute for Broadcast Australia. Led by P Braham SC.
<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. Unled.

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PUBLIC LAW

Current

<i>Fitzpatrick Investments Pty Ltd as trustee of The Number One Trust v Chief Commissioner of State Revenue</i> (NCAT 2019/00021637)	Land tax, primary production exemption. Led by M Richmond SC for taxpayer.
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<i>The Northern Trust Company v CEO, AUSTRAC</i> (AAT 2019/2741)	Application for exemption from XX. For defendant, AUSTRAC. Led by N Williams SC.
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2019

<i>Rix's Creek Continuation Project</i> application for development consent	Counsel Assisting Independent Planning Commission (IPC).
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<i>McIntosh Bros Pty Ltd (in liq) v Chief Commissioner of State Revenue</i> [2019] NSWCATAD 124	Land tax appeal regarding primary production exemption. Led by M Richmond SC for taxpayer.
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<i>Henroth v North Sydney Planning Panel</i> [2019] NSWCA 69	Judicial review; mandatory considerations; rezoning review. Unled.
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<i>Lazarus v Independent Commission Against Corruption</i> [2019] NSWCA 100	Judicial review of orders of District Court. Unled.
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<i>Australian Coal Alliance Inc v Wyong Coal Pty Ltd</i> [2019] NSWLEC 31	Judicial review decision of Planning Assessment Commission (PAC). Coal mine. Led by A Shearer.
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2018

<i>Worimi Local Aboriginal Land Council v Attorney General of New South Wales</i> [2018] FCA 1329	Native title; non-claimant determination. Unled for Attorney General.
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<i>Henroth Investments Pty Ltd v Sydney north Planning Panel</i> [2018] NSWLEC 112	Rezoning review; mandatory relevant considerations. Unled.
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<i>Ekeru Dental v Chief Commissioner of State Revenue</i> (NCAT 2017/284295)	Interpretation of stamp duty re sale of business. Unled.
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<i>McIntosh Bros Inc v Chief Commissioner of State Revenue</i> (NCAT)	Land tax; agricultural exception. Led by M Richmond SC.
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Mookhey v Department of Financial Services and Innovation [2018] NSWCATAD 128 Government Information (Public Access) Act (GIPA) application. Unled for Department.

Racing NSW v Lewin [2018] NSWCA 93 Administrative law – Racing Appeals Tribunal. Led by M Izzo SC.

2017

Wigness v Kingham, President of the Land Court of Queensland [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 and Qld Supreme Court on appeal.

Dorante v Minister for Natural Resources and Mines / Sabatino v Minister for Natural Resources and Mines [2017] QLC 15

4nature Incorporated v Centennial Springvale Pty Ltd [2017] NSWLEC 133 Appeared for Minister on remitter from Court of Appeal. Unled.

Perry Properties v Chief Commissioner of State Revenue [2017] NSWCATAD 235 Appeared unled for Chief Commissioner in dispute re application of *Land Tax Act*. Unled.

Piper v Minister Administering the Water Management Act 2000 (No 2) [2017] NSWLEC 15; [2016] NSWSC 1140 Appeared for Minister in Class 1 application, including separate legal question re statutory interpretation. Unled.

Snowy Monaro Regional Council v Chief Commissioner of State Revenue [2017] NSWCATAD 14 Appeared for Chief Commissioner on interpretation of *Payroll Tax Act*. Unled.

2016

New South Wales Aboriginal Land Council v Minister Administering the Crown Lands Act [2016] NSWLEC 157 *Aboriginal Land Rights Act*. Led by N Williams SC.

Plaintiff M68-2015 v Minister for Immigration and Border Protection (2016) 257 CLR 42 Challenge to lawfulness of detention on Nauru. Led by R Merkel QC.

Rural Funds Management Limited v The Minister Administering the Water Management Act 2000 [2016] NSWLEC 19; [2016] NSWLEC 94 Dispute regarding application of *Water Management Act*.

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

Rush v NSW Land and Housing Corporation

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2016] NSWCATAP 226
Adams v New South Wales Land & Housing Corporation [2016] NSWCATAP 31

2015

SZUNZ v Minister for Immigration and Border Protection [2015] FCAFC 32 Judicial review application, led by C Lenehan SC.

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) 255 CLR 514 Detention of asylum seekers at sea; maritime Powers Act. Led by R Merkel QC.