

ELEVEN WENTWORTH



Rachel Mansted

Admissions: **NSW Bar | 2014**
Legal Practitioner, NSW & Federal Court | 2008

Qualifications: **BCL (Dist) (Oxon) | 2009**
Conflict of Laws; Restitution; Transnational
Commercial Law; International Law of the Sea

BIR/LLB (Hons I) (Bond) | 2007
University Medal in Law
University Medal in Humanities

Other background: Highest aggregate mark, 2014 Bar Exams
Christopher Gee QC Memorial Prize for Advocacy, 2014 Bar Practice Course

Solicitor, King & Wood Malesons | 2008-9; 2011-14
Dispute Resolution (Litigation)
Banking & Finance

Associate, the Hon Justice Crennan AC | 2009-10
High Court of Australia

COMMERCIAL LAW

(for public law see p 7)

<i>Probis Financial Services Pty Ltd (admins apptd) v Kong</i> [2023] FCA 1398	Financial products / services; <i>Barnes v Addy</i> claim. Freezing orders. Led by M Izzo SC.
<i>Gordon & Ors v Oatlands Golf Club Limited</i> (Supreme Court NSW 2023/3855)	Clubs and associations. Powers / duties of directors; meeting procedure.
<i>MacNee v Melnikoff</i> (Supreme Court NSW 2023/00364826)	Trusts.
<i>Rossiter v ANZ Bank</i> (Federal Court NSD1315/2023)	Financial services. Climate change and biodiversity risk, prudential standards.
<i>Yuanda Australia Pty Ltd v Dawson</i> [2023] FCA 551	Contract / employment claim regarding statutory and fiduciary duties.
ICAC Operation Hector (Inner West Council and Transport for NSW – allegations concerning conduct of employees and others) (2023)	Counsel for Downer EDI Works Pty Ltd.
<i>In the matter of Australian Unity Funds Management Limited</i> [2023] NSWSC 540	Proceedings arising out of corporate acquisition proposal, alleged improper purpose of trustee. Led by N Young KC for plaintiff.
<i>Quirk v SPSL atf the Suncorp Master Trust</i> [2022] NSWSC 1457	Suncorp Super Class Action. For funder on settlement approval. Led by L Armstrong KC.
<i>Singh v Pioneer & Ors</i> (2022/4856); unreported (District Court)	Powers of AFCA; financial services; summary dismissal. Unled, for AFCA.
<i>Chief Commissioner of State Revenue v McIntosh Bros Pty Ltd (in liq)</i> [2021] NSWCA 221 Led by M Richmond SC	Land tax, primary production exemption. Led by M Richmond SC for taxpayer.
<i>DSHE Holdings v Abboud (No 3)</i> [2021] NSWSC 673	Dick Smith receivers' and banks litigation and shareholder class action. For defendant / cross-defendant auditors, Deloitte. Led by P Braham SC.
<i>Commonwealth of Australia v Phoenix Institute of Australia Pty Ltd (in liq)</i> [2020] FCA 937	Creditors voluntary winding up – application for special purpose liquidator. Led by E Collins SC.
PFAS class action (<i>Smith v Commonwealth of Australia (No 2)</i>) [2020] FCA 837)	Class action re Cwllth Defence firefighting foam. Led by R Lancaster SC for defendant.

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<i>Alexiou v ANZ Banking Group Ltd</i> (2020) 303 IR 35; [2020] FCA 1777	Whistleblower protection; Corporations Act. Led by J Sheahan KC and Y Shariff SC for ANZ.
<i>Johnston v The Greens Nsw Inc</i> [2020] NSWCA 189 <i>Johnston v Greens NSW</i> [2019] NSWSC 215	Interpretation of constitution re preselection. Appeared unled for candidate at trial and appeal.
<i>Australian Securities and Investments Commission v Theta Asset Management Limited</i> [2020] FCA 1894	Contraventions of civil penalty provisions; defective PDS. Led by J Halley SC for ASIC.
<i>Zenith Corporation Australia Pty Ltd v Optus Mobile Pty Ltd</i> [2020] NSWSC 1110	Security for costs; dispute regarding business agreement. Unled for plaintiff.
<i>In the matter of Ralan Arncliff Pty Ltd (admins apptd)(recs and mgrs. Apptd)</i> [2019] NSWSC 1679	S 588FL application; vesting of PPSA security interest. Unled.
<i>BMW Australia Ltd v Brewster</i> (2019) 269 CLR 574; Takata Airbags class action.	High Court on common fund orders; class action re recalled airbags. Led by J Sheahan KC for plaintiffs.
<i>Donau Pty Ltd v ASC AWD Shipbuilder Pty Ltd</i> [2019] NSWCA 185 (appeal); [2018] NSWSC 1273 (trial).	Contractual dispute re construction of Navy vessels. Led by I Jackman SC and P Brereton SC.
<i>Rinehart v Rinehart</i> [2019] NSWCA 54	Trust documents and trustee duties. Led by P Brereton SC.
<i>Perera v Genworth Financial Mortgage Insurance Pty Ltd</i> [2019] NSWCA 10	Malicious prosecution. Application to appeal from strike out. Unled.
<i>Cubelic v Angas</i> (NSWSC 2017/00258682) (resolved during trial)	Contractual dispute re biodiversity consultancy agreement and biobanking. Led by M Izzo SC.
Partnership dispute: confidential arbitration (2018)	Arbitration under <i>Commercial Arbitration Act (NSW)</i> .
<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.

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<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) (resolved at trial)	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>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>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.
<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>Rodgers Reidy (Qld) Pty Limited v Google Australia Pty Limited</i> [2017] FCA 65	Urgent application for ex-parte take-down order from internet search engine. For plaintiff, unled.
<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.
<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.

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<i>Rinehart v Rinehart</i> [2016] NSWCA 58	Legal privilege dispute. Led by B McClintock SC.
Arbitration under the <i>NSW Commercial Arbitration Act</i> before M Walker. (2016)	Contract dispute. Unled cross-examination of lay witness evidence. Unled.
<i>Beachside Realty Corporation v Mulvihill; Paragon Realty v Dalglish</i> (resolved following urgent interim hearing)	Post-employment restraints / restraint of trade re real estate agents. Appeared for employees. Unled.
<i>Breaden v Allen</i> (Local Court, unreported, 2016)	Application for access to land; cross-examination of lay and expert witnesses. Unled.
<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>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

<i>The Next Generation (NSW) Pty Ltd v State of New South Wales</i> [2203] NSWCA 159	Validity of delegated legislation. Led by R Lancaster SC for the State of NSW.
<i>Tolucy v Sydney North Planning Panel</i> (2021/00363464)	Judicial review of Planning Panel decision. Unled for SNPP.
<i>Sydney North Planning Panel ats Benmill Pty Ltd</i> (Land and Environment Court 2022/302900)	Judicial review of. Planning Panel decision. Unled for SNPP.
<i>Early Childhood Education Australia v Secretary, Department of Education</i> [2021] NSWCATAD 28	Regulatory matter re childcare. Cross-examination of witnesses. Unled.
<i>The Northern Trust Company v Chief Executive Officer, AUSTRAC</i> [2020] AATA 3989 led by N Williams SC	Application for exemption from IFTI duty. For defendant, AUSTRAC. Led by N Williams SC
<i>Commissioner of Police v DYD</i> [2020] NSWCATAP 224	Appeal of decision; release of police information under GIPA. Unled.
<i>Rix's Creek Continuation Project</i> application for development consent, review. (2019)	Counsel Assisting Independent Planning Commission (IPC).
<i>Henroth v North Sydney Planning Panel</i> [2019] NSWCA 69 <i>Henroth Investments Pty Ltd v Sydney north Planning Panel</i> [2018] NSWLEC 112	Judicial review; mandatory considerations; rezoning review. Unled at trial and appeal.
<i>Lazarus v Independent Commission Against Corruption</i> [2019] NSWCA 100	Judicial review of orders of District Court. Unled.
<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.
<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.
<i>Lukac v Royal Australian and New Zealand College of Obstetricians and Gynaecologists</i> [2018] NSWSC 436	Voluntary associations / clubs; procedural fairness; expulsion. 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.
<i>Mookhey v Department of Financial Services and Innovation</i> [2018] NSWCATAD 128	Government Information (Public Access) Act (GIPA) application. Unled for Department.
<i>Racing NSW v Lewin</i> [2018] NSWCA 93	Administrative law – Racing Appeals Tribunal. Led by M Izzo SC.
<i>Wigness v Kingham, President of the Land Court of Queensland</i> [2018] QSC 20 <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 <i>Land Holding Act</i> , interaction with <i>Native Title Act</i> . Led by R Merkel KC for appellants in Queensland Land Court and Qld Supreme Court on appeal.
<i>Anature Incorporated v Centennial Springvale Pty Ltd</i> [2017] NSWLEC 133	Appeared for Minister on remitter from Court of Appeal. Unled.
<i>Perry Properties v Chief Commissioner of State Revenue</i> [2017] NSWCATAD 235	Appeared unled for Chief Commissioner in dispute re application of <i>Land Tax Act</i> . Unled.
<i>Piper v Minister Administering the Water Management Act 2000 (No 2)</i> [2017] NSWLEC 15; [2016] NSWSC 1140	Appeared for Minister in Class 1 application, including separate legal question re statutory interpretation. Unled.
<i>Snowy Monaro Regional Council v Chief Commissioner of State Revenue</i> [2017] NSWCATAD 14	Appeared for Chief Commissioner on interpretation of <i>Payroll Tax Act</i> . Unled.
<i>New South Wales Aboriginal Land Council v Minister Administering the Crown Lands Act</i> [2016] NSWLEC 157	<i>Aboriginal Land Rights Act</i> . Led by N Williams SC.
<i>Plaintiff M68-2015 v Minister for Immigration and Border Protection</i> (2016) 257 CLR 42	Challenge to lawfulness of detention on Nauru. Led by R Merkel KC.
<i>Rural Funds Management Limited v The Minister Administering the Water Management Act 2000</i> [2016] NSWLEC 19; [2016] NSWLEC 94	Dispute regarding application of <i>Water Management Act</i> .
<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.
<i>Lindsay v NSW Land and Housing Corporation</i> [2016] NSWCATAP 128 <i>Rush v NSW Land and Housing Corporation</i> [2016] NSWCATAP 226	Appeared for social housing tenants in various cases in NCAT. Unled.

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

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

High Court. Detention of asylum seekers at sea; maritime Powers Act. Led by R Merkel KC.