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Rachael Young

| BARRISTER |

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ADMISSIONS

- Supreme Court of Western Australia (2008)
- High Court of Australia (2008)

EDUCATION

- LLM in International Law (2012)
New York University School of Law, New York, NY
- LLB (Hons) (2006)
University of Western Australia
- BA (Hons) in Political Science and International Relations, and Economics (2004)
University of Western Australia

EXPERIENCE

Barrister, Fourth Floor Chambers (August 2017 – present)

- I appear in all Courts in Western Australia, and the High Court, predominantly in civil matters. I also appear in Tribunals, in arbitrations and mediations.
- My practice at the Bar is predominately in commercial litigation, review of administrative decisions, and advising on Constitutional matters.
- Recent cases include:
 - *Structural Monitoring Systems Ltd v Tulip Bay Pty Ltd* [2019] WASCA 16, involving whether an arbitral award was to be set aside for misconduct
 - *GS v MS* [2019] WASC 255, on the constitutional issue on the exercise of diversity jurisdiction in Tribunals
 - *Two Rocks Investments Pty Ltd v Western Australian Planning Commission* [2019] WASAT 59, a case involving coastal foreshore planning and the cession of land to the Crown

Fourth Floor Chambers

Level 4, 40 St Georges Terrace, Perth WA 6000

Assistant State Solicitor, State Solicitor's Office (2007 - 2011; 2012 – August 2017)

- I ran a litigation practice, primarily focused on civil litigation matters, administrative and constitutional law.
- Appearances on constitutional law matters included:
 - *Rizeq v The State of Western Australia* [2017] HCA 23, on the question of the application of State laws in federal jurisdiction.
 - *Bell (BGNV v State of Western Australia; WAG v State of Western Australia; Maranoa Transport v State of Western Australia)* [2016] HCA 21; (2016) 260 CLR 500, as to inconsistency between Commonwealth and State laws, *Corporations Act* issues and Chapter III issues.
 - *Duncan v Independent Commission Against Corruption* [2015] HCA 11; (2015) 256 CLR 83, on retrospective validating legislation.
 - *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services of Australia v Queensland Rail* [2015] HCA 11; (2015) 256 CLR 171, on the corporations power and the meaning of a corporation.
 - *Santos v Director of Public Prosecutions (WA)* [2016] WASCA 230; (2016) 341 ALR 517, on constitutional issues related to prosecutions in a Commonwealth place.
- Appearances and instructing on administrative law matters included:
 - defending judicial review claims in respect of environmental approvals on major infrastructure projects, including *Save Beelihar Wetlands (Inc) v Jacob* [2016] HCATrans313; *Jacob v Save Beelihar Wetlands (Inc)* [2016] WASCA 126; *Save Beelihar Wetlands (Inc) v Jacob* [2015] WASC 482.
 - dealing with regulatory decisions on access regimes, including *The Pilbara Infrastructure Pty Ltd v Economic Regulation Authority & Brockman Iron* [2014] WASC 346.
- Appearances in civil litigation matters included:
 - appearing in and instructing on litigation in respect of State Agreements and matters in the Supreme and Federal Court including *Mineralogy Pty Ltd v Sino Iron Pty Ltd* [2017] FCAFC 55; *Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 6)* [2015] FCA 825; (2016) 329 ALR 1; *Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 3)* [2015] FCA 542.
 - appearing in defamation proceedings in *Rayney v The State of Western Australia* [2107] WASC 367; *Rayney v The State of Western Australia* [2019] WASCA 23.
 - instructing and appearing on litigation as to fiduciary duties owed by the State: *Collard v The State of Western Australia (No 4)* [2013] WASC 455; (2013) 47 WAR 1; *The State of Western Australia v Collard* [2015] WASCA 86.
- I advised in and appeared on a wide range of matters, including arbitrations, involving disputes between business and various aspects of government, contractual disputes, environmental and planning disputes, defamation and medical law (particularly medical related coronials).