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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. I also appear in inquiries, coronials, Tribunals, arbitrations and mediations.
- My practice at the Bar is predominately in commercial litigation and general civil claims, review of administrative decisions, and advising on Constitutional matters.

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

- As an Assistant State Solicitor, I ran a litigation practice, primarily focused on civil litigation, State Agreement arbitrations, administrative law and Constitutional law matters.

United Nations Assistance to the Khmer Rouge Trials (May 2012 – November 2012)

- Funded by the New York University International Law and Human Rights Fellowship I assisted two Senior Assistant Co-Prosecutors in the prosecution of three former Ministers of the Khmer Rouge for crimes against humanity.

SELECTED APPEARANCES

Commercial litigation

- *Moran v Argonaut Equity Partners* [2021] WASCA 45 (unled), on whether a clause was a penalty, in particular whether it was a primary or a collateral stipulation
- *Structural Monitoring Systems Ltd v Tulip Bay Pty Ltd* [2019] WASCA 16 (unled), on whether an arbitral award should be set aside for alleged misconduct
- *Argonaut Equity Partners Pty Ltd v Moran* [2020] WASC 24 (led by GR Donaldson SC), on whether a clause was a penalty, and on claims of breach of duties to exercise reasonable care and skill and unconscionability claims

Fourth Floor Chambers

Level 4, 40 St Georges Terrace, Perth WA 6000

- ***TEC Hedland Pty Ltd v The Pilbara Infrastructure Pty Ltd*** [2018] WASC 300 (unled); ***TEC Hedland Pty Ltd v The Pilbara Infrastructure Pty Ltd (No 2)*** [2019] WASC 181 (led by B Dharmananda SC); ***TEC Hedland Pty Ltd v The Pilbara Infrastructure Pty Ltd*** [2020] WASC 364 (led by B Dharmananda SC) on legal professional privilege and waiver
- ***JMAC Investment Group Pty Ltd v 3.1 Entertainment Pty Ltd*** [2017] WASC 352 (unled), on enforcement of a guarantee and unconscionability claim
- ***Mineralogy Pty Ltd v Sino Iron Pty Ltd*** [2017] FCAFC 55 (led by PD Evans); ***Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 6)*** [2015] FCA 825; (2016) 329 ALR 1 (led by PD Evans); ***Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 3)*** [2015] FCA 542 (unled), on the construction of the State Agreement in a dispute between two mining companies
- ***The Pilbara Infrastructure Pty Ltd v Economic Regulation Authority*** [2014] WASC 346 (led by RM Mitchell SC), in a judicial review of the Authority's decision on railway access
- ***Resolute Corporate Services Pty Ltd v Wearing*** [2020] WADC 132 (unled), on claims for damages for tortious deceit and equitable compensation

Constitutional law

- ***Rizeq v The State of Western Australia*** [2017] HCA 23; (2017) 262 CLR 1 (led by PD Quinlan SC), on the application of State laws in federal diversity jurisdiction
- ***Bell Group NV (in liq) v The State of Western Australia*** [2016] HCA 21; (2016) 260 CLR 500 (led by GR Donaldson SC and AJ Sefton), on 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 (led by GR Donaldson SC), on retrospective validating legislation
- ***Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services of Australia v Queensland Rail*** [2015] HCA 32; (2015) 256 CLR 171 (led by GR Donaldson SC), on the power to legislate in respect of corporations and the meaning of a corporation
- ***Santos v Director of Public Prosecutions (WA)*** [2016] WASCA 230; (2016) 341 ALR 517 (led by GR Donaldson SC), on constitutional issues related to prosecutions in a Commonwealth place
- ***GS v MS*** [2019] WASC 255; (2019) 344 FLR 386 (unled), on the State Administrative Tribunal's jurisdiction where federal diversity jurisdiction was engaged

Defamation

- ***Rayney v The State of Western Australia*** [2020] WASCA 206; [2020] WASCA 207; [2020] WASCA 209 (unled), on recusal in a defamation appeal
- ***Rayney v The State of Western Australia*** [2019] WASCA 23 (led by GM Watson SC), on a stay in defamation appeal
- ***Rayney v The State of Western Australia [No 9]*** [2017] WASC 367 (led by TK Tobin QC)

Planning and environment

- ***Two Rocks Investments Pty Ltd v Western Australian Planning Commission*** [2019] WASAT 59; (2019) 97 SR (WA) 270 (led by S Penglis SC), on structure planning in coastal areas under the new State Planning Policy 2.6
- ***Humich Nominees Pty Ltd v Metro East Joint Development Assessment Panel*** [2019] WASC 200 (unled), on the validity and reasonableness of conditions where multiple planning approvals

Inquiry / coronials

- ***Inquiry into City of Perth*** (2018-2020), for a former Councillor
- ***Baby H*** (2021), for a doctor, on the death of a baby from head and neck injuries
- ***Ashley, P*** (2019), for a pharmacist, on death following arrhythmia
- ***Ullrich, TPC*** (2017), for a health service, on death following chronic hydrocephalus
- ***Parman, SK*** (2016), for a health service, on the death of child following pneumonia complicating H1N1 infection
- ***Alma Street Centre series*** (2016), for a health service, on deaths by suicide of five former patients of the psychiatric unit known as Alma Street Centre
- ***Diamond*** (2014), for a Department, on death by acute cerebral hypoxia following substance abuse
- ***Gilbert, JT*** (2014), for a health service, on death by haemorrhage following appendectomy
- ***Davies, BJ*** (2014), for a health service, on death by multi-organ failure and haemorrhage following cholecystectomy
- ***Ford, VMR*** (2013), for a health service, on death following complications following fracture and surgical repair
- ***Squires, JG*** (2013), for a health service, on death by pulmonary thromboembolism
- ***Jones, WR*** (2013), for a health service, on death by abdominal infection following hernia surgery

RECOGNITION

Doyle's Guide (Western Australia)

- Leading Junior Counsel for Commercial Litigation and Dispute Resolution (2020, 2021)
- Leading Junior Counsel for Insolvency & Restructuring (2021)
- Recommended Junior Counsel for Insolvency & Restructuring (2020)
- Recommended Junior Counsel for Planning & Environment (2021, 2020, 2018)
- Recommended Junior Counsel for Insurance & Personal Injury (2020)