

RACHEL DE LUCHI

YEAR OF CALL: 2016

Rachel has a commercial practice, representing clients in disputes in the fields of media and defamation, administrative law, building and construction and general commercial matters.

Rachel regularly appears in all State Courts and the Queensland Civil and Administrative Tribunal (QCAT), both as sole counsel and led by senior counsel. She conducts trials and hearings in civil, review and appeal jurisdictions and represents clients in various dispute resolution processes.

She draws on over five years' experience as a solicitor at a boutique commercial litigation firm to deliver strategic and efficient outcomes for corporate, government and private clients across a broad range of sectors (with particular expertise in the building, construction and media industries).



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AREAS OF PRACTICE

Appellate, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Employment & Industrial, Intellectual Property, Judicial Review & Administrative, Land Law & Property, Media & Defamation, Planning & Environment, Professional Discipline & Regulatory, Professional Negligence, Succession, Tax.

CASES

Queensland Building and Construction Commission v Crocker[2018] QCATA

December 2018, Judicial Review & Administrative

Opposition by Firstmac Limited to applications under section 92 of the Act by ZipMoney Payments Pty Ltd to remove trade mark number 1021128 (36) - ZIP - in the name of Firstmac Limited[2018] ATMO 195

December 2018, Intellectual Property

Wagner v Harbour Radio Pty Ltd[2018] QSC 201

September 2018, Media & Defamation

Wagner v Harbour Radio Pty Ltd[2018] QSC 201

September 2018, Media & Defamation

Harper Property Builders Pty Ltd v Queensland Building & Construction Commission[2018] QCATA 70
May 2018, Building & Construction

Cain v Seven Network (Operations) Ltd[2018] QDC 2
January 2018, Media & Defamation

Instyle Homes Qld Pty Ltd v Middle[2018] QCAT 376
November 2017, Building & Construction, Contract

Montserrat Holdings Pty Ltd v Wheeler[2017] QCA 235
October 2017, Land Law & Property

Wagner v Harbour Radio Pty Ltd[2017] QSC 222
October 2017, Media & Defamation

Queensland Building & Construction Commission v Casey[2017] QCATA 100
September 2017, Appellate, Building & Construction, Professional Discipline & Regulatory

EXPERIENCE

Since being called to the bar in 2016, Rachel has acted for clients in a wide variety of matters including:

- appearing for broadcaster Alan Jones in a high-profile seven-week defamation trial (led by R Anderson QC);
- opposing an appeal to the Court of Appeal of a decision to dismiss an application for summary judgment concerning whether a registrant of a domain is a publisher (led by R Anderson QC) [judgment pending – *Weatherup v Krayem*];
- acting for the opponent in proceedings under subsection 92(4)(b) of the *Trade Marks Act 1995* where a finance company sought the removal of a registered trade mark on the basis of non-use;
- numerous appearances for the Queensland building regulator in the Queensland Civil and Administrative Tribunal in administrative review matters and appeals;
- acting for government and private clients in appeal proceedings in the Court of Appeal and the Queensland Civil and Administrative Appeal Tribunal in relation to both interlocutory and final decisions;
- appearing for the Queensland building regulator in applications for summary Judgment in proceedings relating to the statutory home warranty scheme;
- advising and appearing for a film production company in relation to a challenge to local laws regarding filming;
- appearing with senior counsel opposing an application to dispense with a jury;
- acting as Mediator in intellectual property and media related matters;
- advising and appearing in an application for preliminary disclosure prior to the commencement of defamation proceedings;
- appearing for clients in interlocutory applications various proceedings in the Supreme, District and Magistrates Courts; and
- acting for a trade supplier as one of eighteen respondents in Federal Court proceedings brought by Liquidators of a building company;

- advising Liquidators in relation to distribution of trust assets and applications for freezing orders;
- appearing for owners of commercial premises in an application to remove and replace an Administrator of the body corporate;
- appearing for clients at mediations and other alternative dispute resolution processes.

Prior to her call to the bar, Rachel practiced as a solicitor for five years at a boutique commercial litigation firm, where she conducted dispute resolution and commercial litigation for corporations, builders and developers, government bodies and private clients, regularly appearing in State Courts, Federal Courts and Tribunals. In this role, she acted in building disputes involving BCIPA claims and litigation, as well as various tortious claims, equitable claims and general contractual disputes. She also has experience in intellectual property matters, conducting litigation involving copyright and trademark infringement.

MEMBER

Bar Association of Queensland

Building Dispute Practitioners Society

CAREER

2014-2016 Associate Solicitor, Robinson Locke Litigation Lawyers

2012-2013 Solicitor, Robinson Locke Litigation Lawyers

2011-2012 Solicitor, Forbes Dowling Lawyers

EDUCATION

Bachelor of Laws (QUT)

Graduate Diploma of Legal Practice (QUT)

PUBLICATIONS

Notes for a Scandal: is it worthwhile & how to justify what is said in defamation cases

March 2019, Media & Defamation

Building Industry Fairness (Security of Payment) Act 2017

March 2018, Building & Construction

Liability limited by a scheme approved under professional standards legislation