SARAH SPOTTISWOOD

YEAR OF CALL: 2021



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Sarah's practice spans commercial law and public law.

She has appeared in the High Court of Australia and in trials and appeals in State and Federal courts and tribunals in Queensland and nationally. Her practice encompasses large and complex commercial disputes as well as sensitive and high-profile public law litigation including constitutional, administrative, environmental, regulatory and taxation matters.

Sarah has been recognised as a leading junior for commercial disputes by Legal 500 Asia Pacific in 2023, 2024, 2025 and 2026.

Before coming to the Bar, Sarah served as Associate to the Honourable Justice Geoffrey Nettle AC of the High Court of Australia and was a Pegasus Scholar at commercial barristers' chambers in London. As a solicitor at Australian Government Solicitor and the UK Government Legal Department, she acted in public law litigation, international arbitration, trade negotiations and disputes. From 2017 and 2019, she represented the United Kingdom at the UNCITRAL Working Group III on Investor? State Dispute Settlement.

Sarah has published in leading law journals and has studied at the University of Cambridge, Monash University, the University of California Berkeley and the University of Hong Kong.

AREAS OF PRACTICE

Appellate, Arbitration, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporations, Insurance, International, Judicial Review & Administrative, Land Law & Property, Planning & Environment, Resources & Energy, Tax.

CASES

Ross v Minister for Immigration and Citizenship **[2026] FCA 666**
May 2026, Judicial Review & Administrative

Commissioner of State Revenue v Scott-Holland **[2025] QCATA 116**
November 2025, Appellate, Building & Construction, Judicial Review & Administrative

Monaco Solicitors Pty Ltd v Prolend Solutions No 50 Pty Ltd & Anor **[2025] QSC 199**
August 2025, Contract

Director, Professional Services Review v Yoong (No 2) **[2025] FCAFC 106**
August 2025, Appellate, Human Rights & Discrimination, Judicial Review & Administrative

Alumina and Bauxite Company Ltd v Queensland Alumina Ltd **[2024] FCAFC 142**
November 2024, Banking, Corporate Insolvency & Bankruptcy, Corporations, Insurance, International

Kumar v Minister for Immigration, Citizenship and Multicultural Affairs **[2024] FCAFC 79**
June 2024, Appellate, Judicial Review & Administrative

Sparks, in the matter of IG Energy Holdings (Australia) Pty Ltd (Administrators Appointed) **[2024] FCA 613**
June 2024, Corporations, Corporate Insolvency & Bankruptcy

Alumina and Bauxite Company Ltd v Queensland Alumina Ltd **[2024] FCA 43**
February 2024, Contract, Corporations, International, Resources & Energy

Francis v Commissioner of State Revenue **[2023] QCAT 464**
November 2023, Judicial Review & Administrative

Vanderstock v Victoria **[2023] HCA 30**
October 2023, Judicial Review & Administrative, Tax

O'Donnell v Commonwealth of Australia **[2023] FCA 1227**
October 2023, Class Actions, Competition & Consumer, Planning & Environment

Crime and Corruption Commission v Carne **[2023] HCA 28**
September 2023, Judicial Review & Administrative

Sea Swift Pty Ltd v Torres Strait Island Regional Council **[2023] QSC 203**
September 2023, Judicial Review & Administrative

Aircraft Structural Contractors Pty Ltd v Nauru Air Corporation **[2023] FCA 993**
August 2023, Contract, Intellectual Property

Austin BMI Pty Ltd v Deputy Premier (No 2) **[2026] QSC 162**
July 2023, Judicial Review & Administrative

Austin BMI Pty Ltd v Deputy Premier **[2023] QSC 95**
May 2023, Judicial Review & Administrative

Leigh v Bruder Expedition Pty Ltd **[2022] QCA 267**
December 2022, Appellate

Crime and Corruption Commission v Carne **[2022] HCATrans 225**
December 2022, Appellate

Palmer Leisure Coolum Pty Ltd v Magistrates Court of Queensland & Ors; Palmer v Magistrates Court of Queensland & Ors **[2022] QSC 227**

November 2022, Corporations

Australian Electoral Commission v Kelly **[2022] FCA 628**
May 2022, Judicial Review & Administrative, Appellate

Bethell v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs **[2022] FCAFC 83**
May 2022, Judicial Review & Administrative, Human Rights & Discrimination, Appellate

Pauga v Chief Executive of Queensland Corrective Services (No 4) **[2022] FCA 339**
April 2022, Judicial Review & Administrative, Appellate

Robertson v Brisbane City Council & Ors **[2022] QCA 45**
April 2022, Appellate, Planning & Environment

Deleje Pty Ltd & Anor v Butterworth **[2021] QDC 328**
December 2021, Planning & Environment

Sodexo Remote Sites Australia Pty Ltd v Sirrom Corporation Holdings Pty Ltd **[2021] QDC 308**
November 2021, Contract

Robertson v Brisbane City Council **[2021] QPEC 54**
October 2021, Planning & Environment

AFD21 v Minister for Home Affairs **[2021] FCAFC 167**
September 2021, Judicial Review & Administrative, Appellate

Bethell v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs **[2021] FCA 727**
June 2021, Judicial Review & Administrative

Bethell v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs **[2021] FCA 661**
June 2021, Judicial Review & Administrative

EXPERIENCE

Sarah's experience at the bar includes:

Appellate

> Appearing in the High Court of Australia (led by G Del Villar KC, Solicitor-General for Queensland and F Nagorcka) for the Attorney-General for Queensland intervening in constitutional law proceedings involving the electrical vehicle tax imposed by Victoria: *Vanderstock v Victoria* (2023) 279 CLR 333 ; [2023] HCA 30.

> Appearing in the High Court of Australia (led by P Dunning KC and M Wilkinson) for the Crime and Corruption Commission in proceedings concerning parliamentary privilege: *Crime and Corruption Commission v Carne* (2023) 280

CLR 555; [2023] HCA 28.

> Appearing in the Queensland Court of Appeal (led by M Martin KC) for the respondent company in an appeal concerning contempt of a court order: *Leigh v Bruder Expedition Pty Ltd* [2022] QCA 267.

> Appearing in the Queensland Court of Appeal (led by S Doyle KC) for the appellant in an appeal concerning a development approval under the *Planning Act 2016* (Qld): *Robertson v Brisbane City Council* (2022) 251 LGERA 302.

> Appearing in the Full Court of the Federal Court (led by S Doyle KC, A Stumer KC and E Hoiberg) for several Rio Tinto companies in an appeal concerning the effect of Australia's sanctions on Russia on a joint venture agreement: *Alumina and Bauxite Company Ltd v Queensland Alumina Ltd* (2024) 306 FCR 86.

> Appearing unled in the Full Court of the Federal Court for the respondent Minister/agency in appeals from judicial review proceedings: *Director, Professional Services Review v Yoong (No 2)* [2025] FCAFC 106; *Kumar v Minister for Immigration, Citizenship and Multicultural Affairs* [2024] FCAFC 79; *Bethell v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCAFC 83.

> Appearing in the Full Federal Court (led by C Lenehan SC and C Tran) for the respondent in a migration appeal: *AFD21 v Minister for Home Affairs* (2021) 287 FCR 308.

Public Law

> Appearing in the Federal Court (led by N Wood SC) for the Minister in judicial review proceedings under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (settled before trial): *Agforce Queensland Farmers Limited v Minister for Environment and Water* (QUD147/2024).

> Appearing in the Supreme Court of Queensland (led by E Longbottom KC and B O'Brien) for the applicant shipping company in judicial review proceedings challenging the imposition of $66 million of default maritime fees: *Sea Swift Pty Ltd v Torres Strait Island Regional Council* [2023] QSC 160.

> Appearing in the Supreme Court of Queensland (led by S Holt KC) for the applicant company in judicial review proceedings concerning the call-in of a development approval by the Deputy Premier: *Austin BMI Pty Ltd v Deputy Premier* [2023] QSC 95.

> Appearing in the Supreme Court of Queensland for the Attorney General for Queensland intervening in proceedings under the *Human Rights Act 2019* (Qld): *Palmer Leisure Coolum Pty Ltd v Magistrates Court of Queensland; Palmer v Magistrates Court of Queensland* [2022] QSC 227.

> Appearing in the Federal Court for the Secretary of the Department of Health and Aged Care in judicial review proceedings concerning the pharmaceutical benefits scheme: *Kippa Ring Pharmacy Pty Ltd v Secretary of the Department of Health and Aged Care* (QUD177/2023) (settled before trial).

> Appearing in the Federal Court for the Attorney-General of Queensland in proceedings concerning the *Extradition Act 1988* (Cth): *Pauga v Chief Executive of Queensland Corrective Services (No 4)* [2022] FCA 339.

> Appearing in the Federal Circuit and Family Court of Australia in an appeal from a decision of the Administrative Appeals Tribunal: *Jarman v Glenham* [2022] FedCFamC2G 733.

> Appearing in the Federal Court of Australia and the Federal Circuit and Family Court of Australia in various migration proceedings including:

- *WKJD v Commonwealth* (WAD133/2024) (ongoing) led by P Herzfeld KC and N Swann.
- *DXN21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (2022) 370 FLR 406 (led by S Lloyd SC).
- *Bethell v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 661 (led by C Tran).
- *Bethell v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 727; [2021] FCA 756; [2021] FCA 811.
- *AQM18 v Commonwealth of Australia* (VID 716 of 2020) (led by C Tran and C Ernst) (settled before trial).
- *BBI21 & ors v Commonwealth of Australia* (NTD10 of 2021) (led by A Yuile) (settled before trial).

> Advising government agencies, companies and individuals on administrative law, constitutional law, statutory interpretation and prospects of success of appeal and special leave to appeal.

Commercial law

> Appearing in the Federal Court (led by S Doyle KC) for the Rio Tinto Parties in proceedings concerning the effect of Russian sanctions on a joint venture: *Alumina and Bauxite Company Ltd v Queensland Alumina Ltd* [2024] FCA 43

>Appearing in the Federal Court (led by D Clothier KC) in a legal professional privilege claim over an investigation report concerning Callide C Power Plant: *Sparks, in the matter of IG Energy Holdings (Australia) Pty Ltd (Administrators Appointed)* [2024] FCA 613

> Appearing in the Federal Court (led by D Clothier KC) for Nauru Air Corporation in proceedings concerning fiduciary duties, misleading and deceptive conduct and copyright infringement: *Aircraft Structural Contractors Pty Ltd v Nauru Air Corporation* [2023] FCA 993.

> Appearing in the Supreme Court of Queensland (led by D Clothier KC and B Kabel) for Visionstream Pty Ltd/Ventia in construction proceedings concerning breach of contract and negligence: *Queensland Motorways Pty Limited v CPB Contractors Pty Limited* (BS9153/19) (ongoing).

> Appearing in the Supreme Court of Queensland (led by C Jennings KC) in a dispute involving a priority deed between two registered mortgagees: *Monaco Solicitors Pty Ltd v Prolend Solutions No 50 Pty Ltd & Anor* [2025] QSC 199 .

> Appearing in the Supreme Court of Queensland (led by B Lim) for the ASX in preliminary discovery proceedings brought by a suspended publicly listed company (*Henry Morgan Ltd v ASX Limited* (BS9283/22) (ongoing).

> Appearing in the Supreme Court of Queensland proceedings seeking review of adjudicator's decisions under the *Building Industry Fairness (Security of Payment) Act 2017* (Qld): *Nexus Infrastructure Pty Ltd v Ventia Australia Pty Ltd* (BS 16091/23) (settled before trial) led by D Chesterman KC; *Dongguan Yintec Intelligent Home Co Ltd v Arden Group Holdings Pty Ltd* (BS 12808/21) (settled before trial) unled.

> Appearing in the Supreme Court of Queensland in an application to extend time to register a security interest under the *Corporations Act 2001* (Cth): *Regatta Securities No 2 Pty Ltd v Regatta Securities No 1 Pty Ltd* (BS 14569/21).

> Appearing in the Supreme Court of Queensland (led by D Clothier KC) for Fredon (Qld) Pty Ltd in a contractual dispute: *Civex Pty Ltd v Fredon (Qld) Pty Ltd* (BS 4570/20).

> Appearing in the Supreme Court of Queensland (led by M Martin KC) for the defendant companies in proceedings concerning breaches of fiduciary duties and undue influence: *Lau v Lau* (BS 7931/19).

> Acting in arbitrations under the *Commercial Arbitration Act 2012* (WA).

> Appearing in the District Court of Queensland (led by M Martin KC) for Sirrom Corporation in proceedings concerning an indemnity under a business purchase agreement: *Sodexo Remote Sites Australia Pty Ltd v Sirrom Corporation Holdings Pty Ltd* [2021] QDC 308.

> Appearing in the District Court of Queensland (led by M Martin KC) for the plaintiffs in proceedings alleging negligent advice by an accountant: *GP Nichols (Dental) Pty Ltd v QBE Insurance (Australia) Limited* (BD2258/18) (settled before trial).

> Appearing in the Land Court (led by R Traves KC, K McIntyre and A Helliwell) for the applicants in an application for compensation under the *Mineral and Energy Resources (Common Provisions) Act 2014* (Qld): *Maller v Australia Pacific LNG CSG Transmissions Pty Ltd* (MER084-21).

> Appearing in QCAT for Grant Daniel & Long Pty Ltd in a minor civil dispute concerning alleged breaches of the Australian Consumer Law (settled before trial).

> Advising (led by G A Thompson KC and M Hindman KC) on urgent interlocutory relief in relation to an IT contract.

> Advising (led by R Traves KC) on disputes concerning easements, development approvals and public utilities providers.

Regulatory

> Appearing in the Federal Court (led by M Hodge KC and M Ellicott) for the Commonwealth in representative proceedings alleging misleading or deceptive conduct in connection with climate change information disclosure in relation to exchange-traded government bonds: *O'Donnell v Commonwealth of Australia* [2023] FCA 1227.

> *Bay v Australian Health Practitioner Regulation Agency* [2023] HCASL 86 (High Court, Supreme Court) led by K McMillan KC for the Australian Health Practitioner Regulation Agency and the Medical Board of Australia in proceedings challenging a decision to suspend the registration of a medical practitioner.

> Appearing in the Federal Court (led by C Tran) for the Australian Electoral Commission in an urgent injunction application seeking to restrain potential breaches of the *Commonwealth Electoral Act 1918* (Cth): *Australian Electoral Commission v Kelly* [2022] FCA 628.

> Appearing in the District Court of Queensland (led by R Traves KC) in a planning offence appeal: *Deleje Pty Ltd v Butterworth* [2021] QDC 328.

> Appearing unled in the Administrative Review Tribunal for the Civil Aviation Safety Authority concerning decisions to refuse medical certificates to pilots. For example: *Nam v Civil Aviation Safety Authority* [2025] ARTA 596.

> Regularly advising major corporations, small and medium enterprises and private clients on misleading or deceptive conduct and unconscionable conduct under the Australian Consumer Law.

Taxation

> Appearing unled in the Queensland Civil and Administrative Tribunal for the Commissioner of State Revenue in review proceedings concerning land tax, home builder grants and first home owner grants. For example: *Webb v Commissioner of State Revenue* [2025] QCAT 210; *Francis v Commissioner of State Revenue* [2023] QCAT 464; *Alexander v Commissioner of State Revenue* [2023] QCAT 409; *Allop Pty Ltd (as trustee) v Commissioner of State Revenue* (ongoing).

> Acting for the Commissioner of Taxation in Administrative Appeal Tribunal proceedings concerning default assessments.

Pro bono

Sarah maintains a strong commitment to pro bono advice and representation. Since 2013, she has assisted clients through a range of organisations including Canberra Community Law, the South Westminster Legal Advice Clinic and most recently LawRight.

Previous experience

Sarah's experience as a solicitor includes:

> Acting for the Commonwealth in constitutional litigation in the Federal Court and the High Court of Australia (eg *Kuczborski v Queensland* (2014) 254 CLR 51).

> Acting for a UK Energy Regulator on numerous high value energy, renewables and climate change judicial review and statutory appeals brought by companies and consumers (eg *R (Havant Biogas Limited and ors) v Gas and Electricity Markets Authority (Ofgem)*[2021] EWHC 84 (Admin).

> Acting for the UK Secretary of State for Housing, Community and Local Government in a judicial review of a high-profile planning application (*R (London Historic Parks And Gardens Trust) v Secretary of State for Housing, Communities and Local Government* [2020] EWHC 2580 (Admin)).

> Acting for the United Kingdom and the Commonwealth of Australia in international arbitration proceedings under the UNCITRAL Rules and World Trade Organisation dispute settlement (eg *Sancheti v United Kingdom*, *Philip Morris Asia Limited v Commonwealth of Australia*) and in Free Trade Agreement negotiations.

> Advising government agencies on statutory interpretation, constitutional law, administrative law and international law.

RECOMMENDATIONS

Legal 500 Asia Pacific

2026 – Commercial Disputes

2025 – Commercial Disputes

2024 – Commercial Disputes

2023 – Commercial Disputes

Doyle's Guide

2026 – Administrative & Public Law (Queensland)

APPOINTMENTS

2023-present Commercial Arbitration Committee (formerly International Law Committee), Queensland Bar Association

2023-present Committee, Australian Association of Constitutional Law Queensland Chapter

2017-2018 Editor, Cambridge Journal of International Law

2014-2016 Committee, Women Lawyers Association of the ACT

MEMBER

Australian Association of Constitutional Law

Australian Institute of Administrative Law

LawRight

UNCITRAL National Coordination Committee for Australia (UNCCA)

CAREER

2021 Barrister

2017-2021 Solicitor, UK Government Legal Department, London

2017 Pegasus Trust Scholar, Essex Court Chambers, Erskine Chambers, 3 Hare Court, London

2015-2016 Associate, Hon Justice Geoffrey Nettle AC, High Court of Australia

2013-2016 Solicitor, Australian Government Solicitor, Canberra

2011-2012 Law Clerk, Allens Linklaters Melbourne, Hong Kong International Arbitration Centre Hong Kong, King and Wood Mallesons Hong Kong, Australian Attorney-General's Department Office of International Law Canberra

EDUCATION

2017 Master of Laws (Class 1), University of Cambridge

2012 Bachelor of Arts / Bachelor of Laws (Hons 1), Monash University

2011 LLB Study Abroad, University of Hong Kong

2009 BA Study Abroad, University of California Berkeley

AWARDS

2025 Saunders Prize for Excellence in Constitutional Law for Public Law Review article "Vanderstock v Victoria: Free Trade and Federalism" (2024) 35 PLR 13

2018 Shortlisted for the Zines Prize for Excellence in Legal Research for Federal Law Review article 'The Use of Foreign Law by the High Court of Australia' (2018) 46(2) Federal Law Review 161

2017 Pegasus Trust Scholar, Inns of Court, London

2016 – 2017 Cambridge Australia Scholarship, Cambridge Trust

2017 Corpus Christi College Cambridge Law Prize

2015 Australian Government Solicitor Australia Day Award

2013 Sir John Monash Medal for Outstanding Achievement in Law, Monash University

2012 Rotary Young Achiever Award, Rotary Club of Melbourne

2011 Prime Minister's Australia Asia Endeavour Award, Australian Government

PUBLICATIONS

Vanderstock v Victoria: Free Trade and Federalism (2024) 35(1) Federal Law Review 13–23 wins 2025 Saunders Prize for Excellence in Constitutional Law
August 2025, Appellate, Judicial Review & Administrative, Tax

Vanderstock v Victoria: *Free Trade and Federalism (2024) 35 (1) Federal Law Review Law Review 13-23*
May 2024, Appellate, Judicial Review & Administrative, Tax

Taking Stock of Vanderstock: Section 90, Electric Vehicles and the Future of State Taxes on Goods
November 2023, Judicial Review & Administrative, Tax

Disclosure & Discovery in Australian Courts
December 2022, Banking, Building & Construction, Class Actions, Commercial Equity, Contract, Corporate Insolvency & Bankruptcy, Corporations, Land Law & Property

Functus Officio in Arbitration
October 2021, Arbitration, International

Rules of Evidence & Affidavit Drafting
September 2021

'The Use of Foreign Law by the High Court of Australia' (2018) 46(2) Federal Law Review 161
June 2021, Appellate, International, Judicial Review & Administrative

'Voices that Shape Investment Treaties: Inside, Outside and Among States', in C Titi (ed) Public Actors in International Investment Law (Special Issue of the European Yearbook of International Economic Law), Springer 2021 (with C Mavromati)
March 2021, Arbitration, International

'Public Participation in Investment Treaty Making', in E De Brabandere, T Gazzini and A Kent (eds) Public Participation and Foreign Investment Law, Brill 2021 (with C Mavromati)
January 2021, International

'International Dispute Settlement from the Standpoint of States', International Law Association Regional Seminars Series, University of East Anglia
December 2019, International

'National Governments and Treaty Negotiators Panel', Colloquium on Actors in International Investment Law: Beyond Claimants, Respondents and Arbitrators, University Paris II Panthéon-Assas
September 2019, International

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