

SARAH SPOTTISWOOD

YEAR OF CALL: 2021

Sarah's practice focuses on commercial litigation and arbitration as well as constitutional and administrative law.

Since coming to the Bar, Sarah has been instructed in a wide range of commercial disputes including those concerning contracts, corporation, construction, equity, misleading and deceptive conduct, taxation, development approvals and land contamination claims. Her practice spans a broad spectrum of business sectors including aviation and transport, construction and infrastructure, finance, government, IT, property, environment and resources.

With seven years' experience working as a solicitor in public law litigation for both the United Kingdom and Australian governments, Sarah draws on her experience in constitutional and administrative law cases. Sarah has acted in judicial review and merits review matters in the Federal Court, Supreme Court of Queensland and the Queensland Civil and Administrative Tribunal.

Sarah has a significant background in international law. She advised the UK Department for International Trade on investment arbitration, World Trade Organisation disputes and Free Trade Agreement negotiations. She represented the United Kingdom at the UNCITRAL Working Group on Investor-State Dispute Settlement (2017-2019). While at the Australian Government Solicitor, she advised on international arbitration proceedings and various international law matters.

In addition to having been a solicitor, prior to commencing at the Bar, Sarah was Associate to the Hon. Justice Geoffrey Nettle AC of the High Court of Australia. Following this, she was a Pegasus Trust Scholar at London commercial barristers' chambers Essex Court Chambers, Erskine Chambers and 3 Hare Court.

Since 2013, Sarah has provided pro bono legal advice through a range of organisations including Canberra Community Law and the South Westminster Legal Advice Clinic.

AREAS OF PRACTICE

LEVEL

TWENTY
SEVEN

CHAMBERS



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Appellate, Arbitration, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporations, Inquiries & Coronial Inquests, Insurance, International, Judicial Review & Administrative, Land Law & Property, Native Title & Cultural Heritage, Planning & Environment, Resources & Energy, Tax.

CASES

***Pauga v Chief Executive of Queensland Corrective Services (No 4)*[2022] FCA 339**

April 2022, Judicial Review & Administrative

***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

***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:

Public Law

> Acting (with G A Thompson, Solicitor General for Queensland and F Nagorcka) in constitutional law proceedings in the High Court of Australia for the Attorney-General for Queensland.

> Appearing (including with C Lenehan SC, C Tran and C Ernst and unled) in judicial review proceedings under the *Migration Act 1958*(Cth) in the Full Federal Court, Federal Court and Federal Circuit Court.

> Acting in judicial review proceedings in the Supreme Court of Queensland under the *Building Industry Fairness (Security of Payment) Act 2017*(Qld).

> Acting for the Commissioner of State Revenue in proceedings in the Queensland Civil and Administrative Tribunal.

> Advising on administrative law, statutory construction and constitutional law matters.

Commercial law

> Acting (with S Doyle QC) in Court of Appeal proceedings concerning a development approval under the *Planning Act 2016*(Qld).

> Appearing (with R Traves QC and A Helliwell) in Land Court proceedings under the *Mineral and Energy Resources (Common Provisions) Act 2014*(Qld).

> Appearing (with R Traves QC) in a planning offence appeal in the District Court of Queensland.

> Appearing (with M Martin QC) in Supreme Court of Queensland proceedings concerning fiduciary duties and undue influence.

> Appearing (with M Martin QC) in proceedings in the District Court of Queensland concerning an indemnity under a business purchase agreement.

> Acting (with D Clothier QC) for an airline in a dispute concerning fiduciary duties and copyright infringement in the Federal Court of Australia.

> Acting (with D Clothier QC and B Kabel) in a construction dispute in the Supreme Court of Queensland.

> Appearing unled in the Supreme Court of Queensland in an application under the *Corporations Act 2001* (Cth).

> Acting in an arbitration under the *Commercial Arbitration Act 2012* (WA)

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*).

APPOINTMENTS

2017-2018 Editor, Cambridge Journal of International Law

2014-2016 Committee, Women Lawyers Association of the ACT

MEMBER

LawRight

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

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

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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