

# SARAH SPOTTISWOOD

YEAR OF CALL: 2021

Sarah practices in commercial litigation and arbitration as well as constitutional and administrative law.

Since coming to the Bar in 2021, she has appeared in several matters in the High Court of Australia, in State and Federal Courts and in various tribunals, mostly in Queensland but also in Victoria. These matters range from large and complex commercial and corporate disputes through to sensitive and high-profile public law litigation. In 2023 and 2024, Sarah was listed as a leading junior for commercial disputes by Legal 500 Asia Pacific.

Sarah draws on seven years' experience as a solicitor for both the Australian and UK governments, where she worked on public law, international arbitration and international law matters. She represented the UK at the UNCITRAL Working Group III on Investor-State Dispute Settlement (2017-2019). Sarah was Associate to the Hon. Justice Geoffrey Nettle AC of the High Court of Australia and a Pegasus Trust Scholar at various London commercial barristers' chambers.

## 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

### ***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

LEVEL

TWENTY  
SEVEN

CHAMBERS



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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*[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

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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] 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] 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 Federal Court for the respondent in an appeal involving the dismissal of an application for habeas corpus: *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 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:

- *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 & Ors*(VID297/2022) (ongoing).

> 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 (ongoing).

> 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 40 Pty Ltd*(BS10102/23) (ongoing).

> 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 seeking review of an adjudicator's decision under the *Building Industry Fairness (Security of Payment) Act 2017*(Qld): *Dongguan Yintec Intelligent Home Co Ltd v Arden Group Holdings Pty Ltd*(BS 12808/21).

> 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 an arbitration 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.

> 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 Supreme Court of Queensland (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: *Bay v Australian Health Practitioner Regulation Agency* (BS 14178/2022) (ongoing).

> 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 in the Administrative Appeals Tribunal for the Civil Aviation Safety Authority in a review of a decision to refuse a medical certificate to a pilot: *Nam v Civil Aviation Safety Authority* (2022/7485) (judgment reserved).

## **Taxation**

> Acting for the Commissioner of State Revenue in QCAT proceedings involving land tax, first home owner grants and home builder grants: *Allop Pty Ltd (as trustee) v Commissioner of State Revenue*; *Alexander v Commissioner of State Revenue*; *Francis v Commissioner of State Revenue*; *Rollston v Commissioner of State Revenue*; *Wagner v Commissioner of State Revenue*; *Winkworth v Commissioner of State Revenue*

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

## **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

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### Legal 500 Asia Pacific

2024 – Commercial Disputes

2023 – Commercial Disputes

## APPOINTMENTS

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**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

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Australian Association of Constitutional Law

Australian Institute of Administrative Law

LawRight

UNCITRAL National Coordination Committee for Australia (UNCCA)

## CAREER

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**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

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**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

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**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

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**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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