

Rachel Walsh was a solicitor in an international commercial firm for 20 years (including 12 as a partner).

She is briefed regularly in the areas of:

- **Public law**

Including judicial review (in the Federal Court, Supreme Court and Court of Appeal), merits review (in the AAT and VCAT - including FOI and professional licensing) and statutory interpretation.

- **Inquiries, inquests and investigations**

Including public or private examinations conducted under coercive powers (such as by IBAC or regulatory authorities), coronial inquests and Parliamentary inquiries.

- **Disciplinary, criminal and quasi-criminal matters**

Including civil penalty litigation, regulatory enforcement, Local Government Misconduct hearings and appeals, Occupational Health & Safety prosecutions, disciplinary decision-making and appeals, public and private sector governance, and clubs & associations.

- **Civil claims**

Including privacy, discrimination, tort and contract.

- **Civil procedure**

Including subpoenas, jurisdiction and costs.

The following are examples of cases in which Rachel has appeared:

### **Judicial Review and Appeals**

*Lew v Harvey & Anor* [2023] VSC 477

*Tobias Tucker v Commissioner of State Revenue* [2023] VSCA 125 (with Claire Harris KC)

*Tobias Tucker v Commissioner of State Revenue* [2022] VSC 265 (with Claire Harris KC)

*Dr Manu Chopra v Department of Education and Training* [2021] VSCA 36

*Dr Manu Chopra v Department of Education and Training* [2019] VSC 488

*Ritson v Director of Fair Work Building Industry Inspectorate & Anor* [2016] FCCA 2923

*Hird v Chief Executive of the Australian Sports Anti-Doping Authority* [2014] FCA 1090 (with Peter Hanks KC and Nick Harrington)

### **Merits review (including FOI and licensing)**

*Wellington v Surf Coast SC* [2022] VCAT 942

*Manu Chopra v Department of Education and Training* [2022] VCAT 688

*Quick v Transport Accident Commission* [2022] VCAT 622

*Gary Morgan v Australian Building and Construction Commissioner* [2020] AATA 651

Rachel is also briefed regularly to advise and assist clients in making FOI requests or decisions, and in dealing with reviews by the Office of the Victorian Information Commissioner.

### **Inquiries (Commissions of Inquiry/Royal Commissions)**

*COVID-19 Hotel Quarantine Inquiry*

Rachel is also briefed regularly to advise interested parties and prepare witnesses called to public inquiries. Before coming to the Bar, she was instructed in the *Montara Oil Spill Commission of Inquiry* and the *Queensland Health Payroll System Commission of Inquiry*.

### **Inquiries (integrity and anti-corruption)\***

*Operation Sardon*

*Operation Ord*

*Operation Dunham*

*Operation Lansdowne*

**\*Only public IBAC examinations are listed here due to confidentiality restrictions**

## **Local Government proceedings**

*Lew v Harvey & Anor* [2023] VSC 477

Confidential councillor conduct proceedings under the *Local Government Act 2020 (Vic)*.

*In the matter of an application by Cr Niki Batagol concerning Cr Alexander Lew* 17.1.22 (internal arbitration).

*In the matter of an application by Cr Kate Hely concerning Cr Alexander Lew* 15.7.22 (councillor conduct panel).

## **Coronial inquests**

*Deaths of Brown, Kemp, Wiki & Winwood* (on-going, Tasmanian Coroners Court, Hobart)

*Death of Mladen Jovanovski* (finding delivered 11.7.22)

*Death of Nicholas Canning* (finding without inquest 28.5.21)

*Death of Robert Love* [2020] VicCorC 26782

*Death of Roban Grindrod* [2018] VicCorC 24156

Before to coming to the Bar, Rachel was the solicitor assisting the State Coroner in the *Inquest into the Death of Tyler Cassidy* [2011] VicCorC 192.

## **Occupational Health and Safety**

*Director of Public Prosecutions v Peter Stoitse Transport* [2022] VCC 870 (Plea)

## **Privacy**

*Harrison v Victorian Building Authority* [2017] VCAT 108

*Quick v Transport Accident Commission* [2022] VCAT 622

Rachel is also briefed regularly to advise clients in relation to privacy complaints made to the Office of the Victorian Information Commissioner.

## **Civil penalties**

*Australian Building and Construction Commission v Construction, Forestry, Mining and Energy Union and Ors (Bendigo Theatre Case)* [2018] FCA 122

*Australian Building and Construction Commission v Construction, Forestry, Mining and Energy Union and Ors (Brooker Highway Case)* [2018] FCA 1081

*Australian Building and Construction Commissioner v SWAT Building Pty Ltd (in Liq) & Anor* [2020] FCCA 1360

## Civil Procedure

- **Summary judgment:** *Sayed v Salvation Army Housing* [2023] FCA 526
- **Stay of proceedings:** *Darafsbeh v Candoo Australia Pty Ltd* [2020] FCCA 2686
- **Chapter III jurisdiction:** *Parish v Transport Accident Commission* [2021] VCAT 604
- **Jurisdiction and referral of question of law:** *Chopra v Department of Education and Training* [2019] VSCA 298
- **Discovery:** *Owners Corporation Plan No RP 015268 & Ors v Yarra City Council* [2023] VSC 318
- **Subpoena:** *Australian Workers' Union v Registered Organisations Commissioner* [2017] FCA 1554
- **Costs:**
  - Dr Manu Chopra v Department of Education and Training (No 2)* [2021] VSCA 112
  - Chopra v Department of Education and Training (No 2)* [2019] VSC 598
  - Tucker v Commissioner of State Revenue (No 2)* [2020] VCAT 273
  - Ritson v Director of Fair Work Building Industry Inspectorate & Anor (No 2)* [2016] FCCA 3466 (involving costs under s 570 of the *Fair Work Act 2009*)