

# MICHELLE RABSCH

BEc/LLB (Hons) (ANU), LLM (USyd)

## Barrister-at-Law

*“Michelle is as experienced and comfortable protecting the interests of a multinational corporation in a large-scale commercial conflict as she is advocating for the rights of the most marginalised members of the community.”*

*– Gary Ulman, Immediate Past President, NSW Law Society.*

### *Professional Background*

Prior to being called to the Bar, Michelle’s experience reflected her diverse interests within the law and keen sense of public duty. After working as an associate to Sir Gerard Brennan AC KBE, the then Chief Justice of the High Court of Australia, Michelle was admitted to practice and worked as a senior associate at Minter Ellison Lawyers. While practicing in the fields of Employment/Industrial Relations, Commercial Litigation and Media Law for nine years, Michelle was seconded to American Express in a general counsel role and also to the Public Interest Advocacy Centre to establish the NSW Homeless Persons Legal Service.

In 2008 Michelle moved across to government and into public and criminal law as the Counsel Assisting the NSW Solicitor General and Crown Advocate and later as the Special Counsel in the Criminal Law Team at the NSW Crown Solicitor’s Office.

At the Bar, Michelle continues to appear and advise in public, commercial and criminal law matters across a range of courts, tribunals and other forums.

### *Principal Areas of Practice*

- Constitutional, Administrative and Public Law including contempt and applications for review, indemnity or an exercise of the royal prerogative of mercy.
- Criminal Law including regulatory prosecutions and commissions of inquiry and inquest.
- Defamation and Media law including Court Suppression and Non-Publication Orders.
- Commercial Litigation including Consumer Law and Alternative Dispute Resolution.

### *Cases and Clients*

- Both as a solicitor and barrister Michelle has represented and advised wide range of both large and small public and private clients including:
  - NSW Attorney General and Governor of NSW;
  - Various NSW Government ministers, departments and organisations including the NSW Ombudsman, Health Care Complaints Commissioner and Local Aboriginal Land Councils;

- Prothonotary of the Supreme Court of NSW;
  - Travel Compensation Fund;
  - Coles Myer Properties Holdings;
  - Various universities (Sydney, New England and Western Sydney) and schools (Ravenswood School for Girls);
  - Various media organisations (Fairfax, Channel 7);
  - Surgeons, journalists and local council ratepayers.
- Michelle has appeared and worked on the following cases of note:
    - *Burrell v R* and *Gilham v R* (murder appeals); *Einfeld v R*, *Polley v R* and *Nguyen v R* (sentence appeals); *Cribb v R* and *Crump v R* (life sentence redetermination applications);
    - *Cornwell v Channel 7* and *Ors* (defamation);
    - *Cesan v DPP* (sleeping judge);
    - *Wotton v QLD*, *Wainohu v NSW*, *K-Generation v SA*, *International Finance Trust Co v NSWCC*, *Totani v SA*, *Kirk v IRC* and *NAAJA v NT* (Constitutional Chapter III challenges);
    - *Duncan v ICAC* (“corrupt conduct” jurisdiction);
    - *NSW Prothonotary v Smith*, *Makarou*, *Fajloun*, *Dangerfield* (contempt prosecutions);
    - *Paphos* (Cth trademarks);
    - *Youdom*, *Cecil*, *Bronte-Lee* and *McBride* (Coronial inquests); and
    - *Royal Commission into the Protection and Detention of Children in the Northern Territory*.
    - Other (non-litigation) matters include: *Bowraville*, *Folbigg* and *McDermott*.

### ***Pro bono and other work***

- Prior to setting up the NSW Homeless Persons Legal Centre in conjunction with PIAC, Michelle volunteered therein (2004-2007) and volunteered previously at the ACT Welfare and Legal Rights Centre (1997-98), the Redfern Legal Centre (2001-2003) and as a LEAPS Mentor for students at James Meehan High School, Macquarie Fields (2007). She currently participates in the NSW Bar Association Duty Barrister Scheme and Pro Bono Referral Scheme.
- Michelle served on the executive committee of the NSW Women Lawyers Association (2000-2003), NSW Law Society Human Rights Committee (2000-2003) and NSW Young Lawyers Human Rights Committee (2000-2003). She is currently a member of the NSW Bar Association and the Women’s Barrister Forum.
- Lecturer, Federal Constitutional Law (UTS) and Law, Lawyers and Justice (USyd), 2005-2006.