

*Curriculum Vitae*

**REBECCA JANE LEE**

**Current Employment**

**Barrister**

Francis Burt Chambers  
Level 25, Allendale Square  
77 St Georges Terrace  
PERTH WA 6000

Direct Line: (+618) 9220 0415

Mobile: 0407 452 008

Email: [rlee@francisburt.com.au](mailto:rlee@francisburt.com.au)

**Qualifications & Awards**

Awarded Senior Woman Lawyer of the Year 2016  
- for being an inspirational role model for other women within,  
or aspiring to, the legal profession and providing leadership in  
the legal profession over a long period of time  
*Women Lawyers of WA (Inc)*

Advanced Trial Advocacy Course  
*Australian Bar Association* – January 2015

Advanced Negotiation: Difficult Conversations, and  
Essentials for Lawyers and Working Professionals  
*Harvard Negotiation Institute Workshops* – June 2011

Certificate in Foundation Tax  
*The Tax Institute* – May 2011

Mediation Workshop  
*LEADR* – February 2011

Bar Readers' Course  
*Western Australian Bar Association* – 2004  
- Awarded inaugural  
Chief Justice's Prize for Outstanding Reader  
- Awarded Advocacy Prize  
- Awarded Jurisdiction/Procedure Prize

Master of Laws – 1999  
Bachelor of Laws – 1992  
- Awarded Procedure Prize (compulsory unit) 1992  
- Awarded Anita & Meyar Davis Prize (Jurisprudence) 1991

Bachelor of Science (majoring in pure mathematics) – 1992  
*The University of Western Australia*

<b>Admission</b>	Supreme Court of Western Australia	2 February 1994
	High Court of Australia	28 February 1994
	Supreme Court of New South Wales	June 1997
	Elected to the Western Australian Bar	12 August 2003

**Professional Activities**

President 2022  
 Senior Vice-President 2021  
 Junior Vice-President and Treasurer 2019-2020  
 Elected member of Law Society Council 2016-2017  
*Law Society of Western Australia*

Chair of **angelhands Inc** 17 June 2020 to 1 December 2021  
 Secretary of **angelhands Inc** from 18 Dec 2019

Chair of Diversity Subcommittee Dec 2015 to May 2020  
 including running Indigenous Clerkships 2017 and 2018  
*Western Australian Bar Association*

Member of the Equal Opportunity Committee 2012 to 2017  
 representing the Western Australian Bar Association  
*Law Council of Australia*

Elected member of Bar Council Oct 2016 to Oct 2017  
*Western Australian Bar Association*

Alumni - 2016 Signature Leadership Program  
*Leadership WA*

Member of *The Law Society of Western Australia*  
 - served as Editor of *Brief* 2012 - 2014  
 Journal of *The Law Society of Western Australia*  
 - served on the *Brief* Editorial Committee 2003 - 2015  
 - previously served on the Joint Women Lawyers/Law Society; Courts; Commercial Litigation CLE; Professional Liability; and the Administrative Law Committees

Member of *Australian Women Lawyers*  
 - served as President 14 August 2011 – 12 August 2012  
 - served as Vice-President August 2010 – 14 August 2011  
 - served as Secretary December 2008 – August 2010  
 - commenced on national board 15 March 2008

Member of *Women Lawyers of Western Australia Inc*  
 - served as President 2006 – 2008  
 - served as Vice-President August 2004 – 2006  
 - joined committee October 2002

Formerly elected to the *Legal Practice Board* 2004 to 2007

**Nature of Practice**

My practice is one of Advocacy, Negotiation, Strategy and Legal Advice

- generally in the areas of commercial litigation, corporations law, construction and mining disputes, employment law hearings, taxation disputes, family provision claims and wills & estate matters

**Selection of Matters (last 10 years)**

- a selection of matters and decisions follow, from provision of opinions, negotiations and settlements, and advocacy before courts, arbitrators, tribunals and boards – where I am acting or have acted or appeared as sole counsel, except one where indicated (I have not included my appearances as junior counsel in other matters)

- 2021 Supreme Court Matter – Acting for plaintiff in construction matter (quantum meruit claim for nearly \$3 million dollars), including appearing for plaintiff in mediation in early 2018
- 2020 Supreme Court Matter - Provided opinion on application for an extension of time under *Family Provision Act (WA) 1972*
- [2020] WASC 326 (on appeal) MTG -v- MWG as executor of the will of MTH - Appeared for plaintiff in successfully claiming provision from his widow’s estate under *Family Provision Act (WA) 1972*
- [2020] FCCA 2846 Federal Circuit Court Matter– Acted for respondent in defending unfair dismissal application
- [2020] FCA 893 Federal Court Matter – Acted for respondent in defending adverse action claim
- [2020] WASC 84 Brown v Barber – Acting for plaintiff in seeking to prove a will in solemn form and unsuccessfully defending equitable claim for alleged assets of the estate
- 2019 Supreme Court Matters – Acting for defendants in defending claim conduct of affairs of company contrary to the interests of the members as a whole and/or oppressive to plaintiff as a shareholder, and wrongful dismissal claim. Matters successfully resolved.
- 18 September 2019 Supreme Court Matter – Acted for executors and some beneficiaries in successfully negotiated outcome of a family provision claim, including provision of opinion for Order 70 Rule 10(1) of *Rules of the Supreme Court (WA) 1971*
- [2018] WASC 75 Miller v Taylor (CIV 1311/2014) – Appeared for plaintiff in successfully claiming provision from her deceased de facto

partner's estate, under the *Family Provision Act (WA) 1972* (defeated defences that plaintiff was not de facto and had engaged in disentitling conduct)

- 9 November 2017 Dickman v Johnson (CIV 3007/2015) – Acted for plaintiff in successfully seeking court orders in estate matter, following court-based mediation and ongoing negotiations, declaring assets and non-assets of an estate and transferring assets between parties
- [2017] FCA 1024 Uber Australia Pty Ltd et al ats Mike Oze-Igiehon (WAD216/2017) – Appeared for fourth respondent in successfully setting aside writ, on the basis of self-represented applicant having no standing to recover superannuation
- August 2016 Chair of Review Panel, which provided an accepted recommendation to the State Training Board on an appeal against a decision of the Training Accreditation Council, under the *Vocational Education and Training Act (WA) 1996*
- 2016 WAIRC 00866 Forrest Personnel Inc ats Alison Palmer – Acted for respondent company in unsuccessfully defending unfair dismissal application
- May 2016  
(appeal discontinued) Mineralogy Pty Ltd ats Sino Iron Pty Ltd & Korean Steel Pty Ltd (CACV131 of 2015) – Appeared and acted as junior counsel for respondent on appeal against dismissal of application for a mandatory injunction after trial at which declaration of contractual terms sought and obtained. The respondent was not called on to address Martin CJ, Newnes JA and Murphy JA, and, on the next business day, the appeal was discontinued
- 2016 Provided opinion to company on dealings with state authorities, involving statutory and contract interpretation – companies' position successfully advanced
- [2019] FCCA 380  
(Matter heard 2016) Agnew Gold Mining Company Pty Ltd ats Norbert Fluri – Appeared for company in successfully defending unfair dismissal application
- [2015] AATA 661 Trustee for Starbrake Holdings Trust & Guce Holdings Pty Ltd and Commissioner of Taxation, Re – Appeared for successful taxpayers in staying applications for review pending Federal Court proceedings being determined
- [No 2] [2015] WASCA 151 Collins ats Dean – Appeared for respondents in unsuccessfully defending appeal against decision dismissing application under *Family Provision Act 1972 (WA)*
- 2014 Acted for applicant companies in successful arbitration involving interpretation of what is a 'proposal' under a State

Agreement (opposing counsel was Mr RM Mitchell SC, as he then was)

[2013] WASC 194

Mineralogy Pty Ltd v Sino Iron Pty Ltd & Korean Steel Pty Ltd – Appeared for successful plaintiff in construction of contract matter

[2012] FCAFC 90

LVR (WA) Pty Ltd & CZ Holdings Pty Ltd v Administrative Appeals Tribunal & Commissioner of Taxation - Appeared for successful appellants before Full Court of Federal Court seeking review of decision of AAT

[2012] WASC 104

Mirvac (WA) Pty Ltd ats Bontempo – Appeared for defendant in successfully defending application to extend interim injunction to trial

2011

Negotiated on an urgent basis on behalf of option holder to successfully seek an extension of time in which to exercise option

#### **Recent Publications, Papers and Conferences (2009 to present)**

2020

*Ethics of Dealing with Your Opponent*  
Presentation to Law Firm, 11 February 2020

2019

*Business Clients: 20 Answers to Their Most Asked Questions*  
Chair, Legalwise morning session 21 November 2019

*Property Law Update: New Law, New Strategies*  
Chair, Legalwise morning session 13 March 2019

2018

*Wills and Conflicts of Interest*  
Seminar presented to STEP 21 March 2018

2017

*Practice and Ethics when you Brief Counsel*  
Seminar presented to corporate counsel for Francis Burt Chambers 26 July 2017

*WABA Autumn CPD Judicial Review*  
Chair for Western Australian Bar Association 21 March 2017

*Mandatory Injunctions: A 2016 journey with Mineralogy v CITIC parties*  
Seminar presented for Law Society of WA 16 March 2017

*The Good Wife? An Unethical Lawyer*  
Seminar presented to Government Lawyers 2 March 2017  
Article published in *Brief* Vol 40 No 8 September 2013

*Staying Applications for Review – Taxpayers and Criminal Proceedings*

Seminar presented to Ernst & Young 7 February 2017  
Previously presented at the UWA Law School Federal Tax  
Litigation: Current Developments - 3 December 2015

- 2016 *CPD Mandatories Made Easy for All Lawyers*  
Chair for Legalwise 31 March 2016
- 2013 *Ethical Considerations and Evidence Gathering*  
Seminar presented for Legalwise, 14 March 2013
- 2012 *Effective Verbal Communication Skills*  
Seminar presented for Women Lawyers of WA, 7 June 2012
- 2010 *Plain Language: Making Your Court Documents Easier to Use*  
Seminar presented for Legalwise, 29 July 2010
- 2009 *Conflicts of Interest: Recent Developments*  
Seminar presented for Wojtowicz Kelly, 25 November 2009

#### **Academic Positions**

- May 2012 Lecture of *Getting Up for Trial and Briefing Counsel*  
**Murdoch University, School of Law**
- April-May 2011 Tutor at Drafting Workshop in Civil Procedure  
**Murdoch University, School of Law**

#### **Legal Career**

- Feb 2004 to present Barrister
- Sept 1997 – Jan 2004 Minter Ellison (Perth)  
Senior Associate (from July 2000)
- Apr – Aug 1997 Minter Ellison (Melbourne)  
Solicitor (based in client's office in Perth)
- Aug 1993 – Apr 1997 Messrs Jackson McDonald – Articled Clerk, Solicitor
- Feb – July 1993 Mr Eric M. Heenan QC (as he then was) – Articled Clerk
- 1992 Assistant Student Editor for the UWA Law Review
-