

Madeleine Durand

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Education

2021 - 2022	University of Cambridge, UK , Queens' College, Master of Law - Cambridge Australia Frank Downing Scholarship - Papers: International Commercial Litigation; Corporate Insolvency Law; History of English Civil and Criminal Law; and Advanced Private Law
2017 - 2020	University of Western Australia <i>Law (Juris Doctor)</i> Awards: Dean's List (2020); Constitutional Law Prize (2018)
2016	<i>Bachelor of Arts (Honours)</i> , First Class (Political Science and International Relations)
2013 - 2015	<i>Bachelor of Arts</i> Majors: Political Science and International Relations, and German Studies
2014 - 2015	Exchange to Eberhard Karls University, Tübingen, Germany

Admissions

2026	Called to the Bar in New South Wales
2024	Admitted as a solicitor in New South Wales
2021	Admitted as a barrister and solicitor in the Supreme Court of Western Australia

Legal Professional Experience

2024 - 2026	Arnold Bloch Leibler , Sydney office <i>Lawyer, Litigation Team</i>
2024 - current	Western Australian Reports , <i>Headnote Editor</i>
2023	High Court of Australia <i>Associate to the Hon. Chief Justice Kiefel AC KC and the Hon. Justice Beech-Jones SC</i>
2021	State Solicitor's Office , Western Australia, <i>Law Graduate</i>
2019 - 2020	Solicitor-General's Office , Western Australia <i>Legal Associate to the Solicitor-General</i>

Publications

- "Doing nothing with UPEs is not providing something: The High Court limits the reach of Division 7A in *FCT v Bendel*" with Paul Sokolowski, (2026) 24 (June) *Weekly Tax Bulletin* [436]
- "The Middle Distance for the Issue of Interim Relief" with Kanaga Dharmananda SC and Calvin Rokich, (2024) 20(2) *Asian International Arbitration Journal* 1-36
- "The Causal Effect of Hypothetical Events Upon Contractual Damages" with Joshua Thomson SC, (2022) 49(1) *University of Western Australia Law Review – Special Edition on Causation in the Law* 360-376
- "Overruling Constitutional Precedent" with Joshua Thomson SC (2021) 95 *Australian Law Journal* 139-153
- "Constitutional Imperatives" with Joshua Thomson SC, (2020) 49(1) *Australian Bar Review* 154-166
- "Public Access to Beaches: *Western Australia v Manado*" (2020) 28(3) *Australian Property Law Journal* 174-185

Selected Matters as a Solicitor

High Court of Australia

- *Commissioner of Taxation v Bendel* [2026] HCA 18 – successfully represented the respondent taxpayer in an appeal concerning whether unpaid present entitlements are treated as loans under Div 7A of the *Income Tax Assessment Act 1936* (Cth)

Federal Court of Australia

- *Arrotex Pharmaceuticals Pty Limited v Minister for Health and Aged Care* [2025] FCAFC 22 and *Arrotex Pharmaceuticals Pty Limited v Minister for Health and Aged Care* [2024] FCA 522 – acted for Arrotex in dispute regarding Pharmaceutical Benefits Scheme
- *European Brickworks Pty Ltd & Ors v Johan Steyn & Anor; Mecmoh Pty Ltd v Steyn & Ors* (settled) – acted for an insurance premium funder and related entities in relation to a post management-buyout shareholder dispute (breach of fiduciary duty; knowing receipt; misleading or deceptive conduct; oppression)

Supreme Court of NSW

- *Manboom Pty Ltd atf the Outdoor Signage Unit Trust & Anor v Jemena Gas Networks (NSW) Ltd (No 2)* [2025] NSWSC 1330 – acted for various entities in dispute concerning whether gas pipes constituted trespass on land (trespass; statutory authority)
- *In the matter of ACN 004 410 833 Limited* (interlocutory application before Black J) – appeared for the liquidator (intervening) in application to resist order for production and examination summons

Selected Other Matters

As the Legal Associate to the Solicitor-General (Western Australia)

High Court of Australia

- *Mineralogy v Western Australia* [2021] HCA 30 – successfully resisted challenge to constitutional validity of state legislation depriving arbitral awards of legal effect (state legislative power; Chapter III)
- *Palmer v Western Australia* [2021] HCA 5 – successfully resisted challenge to constitutional validity of closure of WA border during Covid-19 pandemic (freedom of interstate trade, commerce and intercourse)
- *Vella v Commissioner of Police (NSW) & Anor* [2019] HCA 38 – challenge to constitutional validity of control/prevention orders (WA intervening) (Chapter III)
- *Western Australia v Manado* [2020] HCA 9 – successful appeal concerning public access to beaches in Western Australia (native title)
- *Commissioner of State Revenue v Rojoda Pty Ltd* [2019] HCA Special Leave Application – dispute regarding nature of interest of partner in partnership property (trust law and equity)
- *Comcare v Banerji* [2019] HCA 23 – (WA intervening) (implied freedom of political communication)
- *Spence v Queensland* [2019] HCA 15 – (WA intervening) (implied freedom of political communication)