

# SAMUEL MCCARTHY

YEAR OF CALL: 2016

Sam has a broad commercial dispute resolution practice. He advises and appears in a wide variety of commercial disputes, including high-value and complex disputes concerning corporations law, contract, insurance, professional liability, corporate insolvency and bankruptcy, and construction and infrastructure litigation and arbitration. For the past four years he has been recognised in Doyle's Guide to the Australian Legal Profession as a recommended and leading construction and infrastructure junior counsel. Sam regularly appears led and unled in State and Federal Courts and in arbitrations.

He regularly appears for and advises clients in a variety of industries, most notably the insurance, professional services, construction and infrastructure, and property sectors.

Prior to joining the Bar, Sam was a commercial dispute resolution solicitor for five years at a leading Brisbane firm.

## AREAS OF PRACTICE

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Appellate, Arbitration, Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Inquiries & Coronial Inquests, Insurance, Judicial Review & Administrative, Land Law & Property, Media & Defamation, Professional Discipline & Regulatory, Professional Negligence, Resources & Energy, Succession.

## CASES

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***Samios Plumbing Pty Ltd v John R Keith (QLD) Pty Ltd***[2019] QDC 237

November 2019, Contract

***Drivas Lakes Pty Limited as Tte v Valuer-General***[2019] QLC 42\*

November 2019, Land Law & Property

***F A Pidgeon & Son Pty Ltd v Valuer-General; 310 Ann Street Nominees Pty Ltd v Valuer-General (No 2)***  
[2019] QLC 25

May 2019, Appellate, Land Law & Property

***F A Pidgeon & Son Pty Ltd v Valuer-General***[2019] QLC 26

May 2019, Land Law & Property, Judicial Review & Administrative

LEVEL

TWENTY  
SEVEN

CHAMBERS



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***Talbot v Boyd Legal (A Firm) & Anor* [2019] QSC 80**

March 2019, Professional Negligence

***Sentinel Homemaker 2 Pty Ltd as Tte v Valuer-General* [2018] QLC 47**

December 2018, Appellate, Land Law & Property

***Scomparin v Sekisui House Services (Qld) Pty Ltd* [2018] QCAT 426**

October 2018, Building & Construction, Contract

***Brisbane Airport Corporation Pty Ltd v Arup Pty Ltd* [2017] QSC 232**

October 2017, Building & Construction

***Gailey Projects Pty Ltd v McCartney* [2017] QSC 185**

September 2017, Contract, Land Law & Property

***Australian Securities and Investments Commission v Drake (no2)* [2016] FCA 1552**

December 2016, Commercial Equity, Corporations

## **EXPERIENCE**

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Notable matters as junior counsel include:

### **INSURANCE AND PROFESSIONAL LIABILITY**

- > Acting for insurers in Federal Court proceedings to resist a claim for declarations of entitlement to indemnity and damages under an Industrial Special Risk Policy.
- > Acting for solicitors in Supreme Court proceedings defending allegations of negligence arising from the conduct of a retainer relating to a deceased estate.
- > Acting for solicitors in Supreme Court proceedings defending allegations of negligent conduct of litigation.
- > Acting for solicitors in Supreme Court proceedings defending allegations of negligence arising from mortgage frauds.
- > Acting for an international firm of engineers in Supreme Court proceedings defending allegations of negligence and misleading or deceptive conduct arising from alleged defective design of transport infrastructure.
- > Acting for a developer in a claim for negligence and misleading and deceptive conduct by a geotechnical engineer.
- > Acting for an earthworks contractor in Supreme Court proceedings defending claims for negligence and breach of contract arising from a commercial development.

- > Acting for a developer in a claim for negligence against a certifier.
- > Advising the owner and operator of a public building on the implications of structural failure of the building.

## **BUILDING AND CONSTRUCTION**

- > Acting in arbitral proceedings concerning contractual disputes between joint venturers on a LNG project.
- > Acting in an ICC arbitration for an international co-venture concerning claims arising from the design and construction of a major piece of transport infrastructure.
- > Appearing (unled) in numerous cases concerning allegations of defective design and workmanship.

## **LAND LAW**

- > Appearing led and unled in the Land Court of Queensland on numerous appeals against annual statutory valuations of commercial land.

## **OTHER CONTRACTUAL AND COMMERCIAL DISPUTES**

- > Advising and appearing for a major transport and logistics company in claims against an infrastructure owner following freight train derailments.
- > Advising and appearing for company directors in Federal Court of Australia civil penalty proceedings brought by ASIC alleging breaches of directors duties to the company.
- > Advising and appearing for a charity in the Federal Court of Australia defending allegations of misleading or deceptive conduct.
- > Advising and appearing (unled) in the District Court of Queensland for a company director defending claims for knowing involvement in the company's alleged misleading or deceptive conduct and in another person's alleged breach of fiduciary duty.
- > Advising and appearing in commercial tenancy disputes in the Supreme Court of Queensland, including applications for injunctive relief.
- > Advising joint venture partners in a contractual claim against a government entity.
- > Appearing in a trial in the Supreme Court of Queensland concerning whether an action had been compromised.
- > Advising and appearing (unled) on numerous *Corporations Act* issues and applications.
- > Advising on partnership disputes.

## RECOMMENDATIONS

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**Doyle's Guide to the Australian Legal Profession 2020** – Leading Construction & Infrastructure Junior Counsel (Qld)

**Doyle's Guide to the Australian Legal Profession 2019** – Recommended Construction & Infrastructure Junior Counsel (Qld)

**Doyle's Guide to the Australian Legal Profession 2018** – Recommended Construction & Infrastructure Junior Counsel (Qld)

**Doyle's Guide to the Australian Legal Profession 2017** – Emerging Construction & Infrastructure Junior Counsel (Qld)

## MEMBER

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Bar Association of Queensland

Society of Construction Law Australia

## EDUCATION

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LLB (Hons) (QUT)

LLM (Distinction) (University of London)

## PUBLICATIONS

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### **Timing is Everything**

July 2019, Insurance

### **Strategies for admissible and persuasive expert evidence**

March 2018

### **Contiguous vs non-contiguous extensions of time**

August 2017, Building & Construction

*Liability limited by a scheme approved under professional standards legislation*