

Marcus McCarthy

Principal

Bachelor of Business
Bachelor of Laws



Areas of expertise

Construction & Infrastructure
Security of Payments Legislation
Commercial & Business Law
Commercial Agreements & Contracts
Corporate Law
Litigation & Dispute Resolution
Intellectual Property
Mining & Resources
Transport & Logistics

Previous engagements

Sparke Helmore
Moray & Agnew
The Bloomfield Group
Gillis Delaney (Managing Partner, Newcastle)

Overview

Marcus has advised clients in relation to all facets of business, commercial law & litigation for over 18 years, with a particular focus on the construction/infrastructure, mining and transport sectors. He is experienced in all forms of complex commercial transactions, mergers & acquisitions and superior court litigation. His expertise in contract drafting is uniquely informed by his extensive complex litigation experience. He is an industry recognised expert in construction law and published author on Security of Payments legislation.

With significant business experience outside the law, and broad knowledge of multiple practice areas, Marcus brings a rare level of commercial acumen and practical skill. Marcus has acted, and continues to act for a range of significant clients including Hunter Water, Mine Subsidence Board, Coal Mines Insurance, Daracon, Thomas & Coffee, Hansen Yuncken, Enviropacific, Pacific Carbon, Arengo and the Bloomfield Group (as in-house General Counsel)

Expertise

Commercial, Corporate & Business Law

Advising on and drafting all forms of corporate and commercial transaction documents including: global distribution agreements, joint ventures, supply & procurement contracts, service arrangements, share and asset sale arrangements, terms of trade, deeds of release, IP licensing, franchising agreements, MOU's, complex trust structures and SMSF's. Advice on Corporations Act compliance, company secretarial and directors duties. Corporate structuring, shareholders agreements, joint ventures, mergers & acquisitions and business transfers in multiple contexts.

Construction Law

Marcus is one of the few industry specialists with both front and back end expertise in this area. He has negotiated and drafted hundreds of construction related contracts, major turnkey development contracts and conducted countless litigations and adjudications under the Construction Industry Security of Payment Act. He is a published author in this area of law and has been a guest lecturer at Newcastle University on the subject.

Mining & Resources

Acting as Group General Counsel for large diversified mining and engineering company in the Hunter Valley and several other mining clients. Marcus has supervised all the company's legal needs including major resource / asset acquisitions, corporate mergers and acquiring mining related technology companies. He has also structured international joint ventures and, drafted turnkey mining extraction contracts circa \$300million for his other mining clients.

Litigation & Dispute Resolution

Marcus is a highly experienced commercial and civil litigator. He has been involved in complex court disputes of all kinds including, partnership disputes, major infrastructure litigation, insurance litigation and professional negligence

Career Highlights

Corporate Acquisition (\$100M transaction)

Acting for a specialist logistics company in a complex corporate acquisition.

Major Litigation for Public Water Authority

Acting for a Government Authority in Supreme Court dispute with global civil contractor regarding collapse of bridge pipeline

Commercialisation of several innovative technologies

Government & industry co-funding agreements for commercialisation of VAM abatement technology

Rail Interface Agreements

Rail Interface Agreements with ARTC, Pacific National and Hunter Valley Coal Chain, including Rail Capacity Group Charter documentation.

