

# Marcus McCarthy

## Principal

Bachelor of Business  
Bachelor of Laws



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## 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.

