

Marcus McCarthy

Principal



Contact Details

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Qualifications

Bachelor of Business
Bachelor of Laws

Areas of Expertise

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

Previous Engagements

Sparke Helmore
Moray & Agnew
The Bloomfield Group (General Counsel)



www.nexuslawyers.com.au

Overview

Marcus has acted for significant corporate, government and private clients in all aspects of commercial law & litigation for over 22 years, with a particular focus on the construction/ infrastructure, mining and property development sectors. He is experienced in all forms of complex commercial litigation and transactional work, including mergers & acquisitions, procurement, major property transactions and dispute resolution.

With significant business experience beyond the law and broad knowledge of multiple practice areas, Marcus brings a rare level of commercial acumen and practical skill to legal practice and business advisory. He has acted for a range of significant clients including Hunter Water, Mine Subsidence Board, Enviropacific, Bloomfield Group, Coal Mines Insurance, Daracon, Hansen Yuncken and Mountain Industries (Linx).

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 & Property Development

Marcus is one of the few industry specialists with deep front and back end expertise. He is a recognised industry specialist in Security of Payment legislation, having successfully conducted hundreds of Adjudications and Appeal cases in this highly technical area of law. He has negotiated and drafted hundreds of construction & Infrastructure related contracts on various significant projects, major turnkey development contracts and litigated all forms of construction disputes. He is a published author in this area of law and a former guest lecturer at Newcastle University.

Mining & Resources

Acting as Group General Counsel for large diversified mining and engineering company and several other mining related clients including major resource / asset acquisitions, corporate mergers, acquiring and commercialisation of new mining technology and structuring of international joint ventures. He has drafted turnkey mining extraction contracts circa \$300 million and was involved in the acquisition of a multi-billion dollar coal mine resource with attached rail facilities.

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 Acquisitions

Acting on acquisition of large national logistics company by Asciano (now Linx) (circa 150M). Acting on acquisition of open cut coal mining operations (circa 2B asset value) and associated rail infrastructure. Acquiring and commercialising multiple green tech projects, manufacturing, heavy engineering and civil construction businesses.

Major Litigation for Public Water Authority

Acting for a Government Authority in Supreme Court dispute with global civil contractor regarding collapse of bridge pipeline and water storage facilities.

Commercialisation of innovative technologies

Government & industry co-funding agreements for commercialisation of mining gas abatement technology and several green tech projects.

Rail Agreements

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