

Sarah Alexandra McCarthy

Barrister-at-Law | Wardell Chambers

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Admissions & Qualifications

Barrister: 2018

National Mediator Accreditation

Solicitor: 2010

(NMAS): 2022

Bachelor of Laws (LLB)

Bachelor of Creative Arts (BCA)

University of Technology Sydney

University of Wollongong

Key Practice Areas

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| – Employment, Workplace & Industrial | – Commercial & Equity |
| – Restraints of Trade | – Regulatory & Professional Negligence |
| – Coronial & Commissions of Inquiry | – Public & Administrative |

Experience & Selected Cases

Sarah has a national practice that covers all aspects of employment, industrial, discrimination, and workplace health and safety law. She also appears in commercial and equity proceedings, as well as administrative law matters, and all aspects of health law (from common law to professional disciplinary matters and inquiries).

Sarah acts for a broad range of government and private clients across a range of industries including major and start up information technology companies, the entertainment industry, retail, financial services, health, education, and manufacturing.

Sarah worked as a solicitor in Sydney and London. Sarah read with her Honour Justice Elizabeth Raper, and Simeon Beckett SC.

Employment, Industrial & Discrimination

- *Mark Lyndon Stoodley v Ticketek Pty Ltd* [2023] FWC 2932
- *Caroline Page v Serco Australia Pty Ltd*, FCA (Ongoing)
General protections
- *KPW Law Pty Ltd v Patel* [2023] NSWSC 617
- *Ned Gestos v SFDC Australia Pty Ltd*, FCFCA, 2023 (Ongoing)
General protections & ACL
- *Bared Trading Pty Ltd ats Kaur*, FCFCA, 2023
General protections
- *G Martin v Twin Creeks Golf Club & Anor*, FCA, 2023 (Settled)

General protections, breach of contract, leave entitlements.

- *Mark Smith v Industrial Relations Secretary obo the Department of Planning and Environment*, IRC (Settled, 2023)
- *Eptesam Al Bankani v Western Sydney Migrant Resource Centre Ltd* [2023] FWC 557
- *Williams v Secretary of the Department of Education* [2023] NSWIRComm 1032; *Williams v Secretary, Department of Education* [2022] NSWIRComm 1007
- *R Stockman v Cisco Systems Australia*, FCA 2023 (Settled)
Led by Robyn Sweet SC: sex harassment and discrimination.
- *Dr Ruwan Suwandarathne v Canberra Health Services* [2022] FWCFB 181; *R Suwandarathne v Canberra Health Services* [2022] FWC 2011
- *Jay v Australian Settlements Limited* [2022] FedCFamC2G 872
Led by Kylie Nomchong SC: adverse action; question of privilege against self-incrimination.
- *Rachelle Miller v Commonwealth of Australia* (Settled, 2022)
Led by Kate Eastman SC: sex discrimination, sex harassment, adverse action.
- *Phyllis Dodd v Thomas and Naaz Pty Ltd* [2021] FWC 1106
- *Hughes trading as Beesley and Hughes Lawyers v Hill* [2020] FCAFC 126; *Hughes trading as Beesley and Hughes Lawyers v Hill (No 2)* [2021] FCAFC 1
Led by Kylie Nomchong SC: sex harassment, sex discrimination.
- *Fair Work Ombudsman v Northcoast Security Services Group Pty Ltd and Ors (No.3)* [2020] FCCA 521
Led by Elizabeth Raper SC: underpayment of wages and assessment of pecuniary penalties.

Commercial, Equity & Administrative Law

- *Carabetta & Anor ats Carlingford Bowling, Sports and Recreations Club* [2023] NSWSC 1442
- *Barel v Barel* [2023] NSWDC 135
- *Komal Sharma v Sikh Mission Centre Sydney Inc*, Local Court NSW (Settled, 2023)
- *Cashtivity v Innovation and Science Australia*, AAT (Settled, 2023)
- *Yilo & Vazquez Anzola* [2022] FedCFamC2F 1248
- *Cessnock City Council v EMF* [2022] NSWCATAP 72
- *Berry Patch Schofields Pty Ltd ta Berry Patch Schofields Unit Trust v Secretary, Department of Education* [2022] NSWCATAD 371
- *Decmil Group Limited v Innovation and Science Australia*, AAT (Settled 2021)
Led by Anna Mitchelmore SC: R&D Tax Incentive Scheme review.

Common Law, Inquiries, Professional Negligence, Conduct & Regulatory

- *Health Care Complaints Commission v Wilton* [2023] NSWCATOD 153

- **Health Care Complaints Commission** v *Gaberman* [2023] NSWCATOD 77
- **Health Care Complaints Commission** v *Narayan* [2023] NSWCATOD 90
- *Fuller* v **Australian Capital Territory** [2022] ACTSC 361
- *Cammarata (nee Payne)* v **Health Care Complaints Commission** [2022] NSWCATOD 143
- **Health Care Complaints Commission** v *Khalighimonfared* [2022] NSWCATOD 78
- *Orroral Valley Fire Inquiry*
Led by Michael Fordham SC (for the Australian Defence Force)
- **Health Care Complaints Commission** v *McCarthy (No 2)* [2022] NSWCATOD 14; *HCCC v P McCarthy* [2021] NSWCATOD 201
- **Health Care Complaints Commission** v *Ndiweni* [2022] NSWNPSC 1 (29 March 2022)
- **SL** v *Dr AM*, Pre-litigation (Settled, 2021)
Led by Dr Elisabeth Peden SC: professional negligence.
- *Inquest into the death of LF, JF, VF, AF and CW*, December 2021
Acting for doctor as interested party.
- *Inquest into the death of BH*, October 2021
Acting for doctor as interested party.
- *Inquest into the death of JP*, November 2020
Acting for doctor as interested party.
- *Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability*
Led by Michael Fordham SC and Chris Ronalds SC. Appointed Junior Counsel Assisting.

Previous Occupation

- Senior Solicitor, *Department of Communities & Justice NSW*
- Solicitor, *TressCox Lawyers, Sydney*
- OSQ Solicitor, *Capsticks LLP, London*
- Senior Industrial Relations Adviser, *Department Finance, Services & Innovation NSW*

Professional Education, Associations & Volunteer Roles

- Graduate Diploma in Applied Law, *College of Law* (2023)
- Volunteer, *National Art School, Darlinghurst*
- Mentor, *UTS Mentor Program* (2021-2023)
- Member, Wellbeing Committee, *Bar Association of NSW* (2019-2021)
- Member, Diversity & Equality Committee, *Bar Association of NSW* (2019-2020)
- Certificate III Aboriginal Cultural Education, *TAFE NSW* (2016)
- Advanced Diploma, Screenwriting, *AFTRS* (2015)