

Sarah A McCarthy

Barrister-at-Law

13th Floor St James Hall

About Sarah

Sarah accepts briefs in all areas of commercial law. She specialises in employment (including restraint of trade), workplace, industrial, and discrimination law. She accepts briefs in public and administrative law, regulatory proceedings, and health law.

Sarah acts for a broad range of government and private clients across a variety of industries including technology companies, the entertainment industry, retail, financial services, defence, health, education, environmental agencies, manufacturing, and NGO's.

Prior to being called to the Bar, Sarah worked as a solicitor for eight years in Sydney and London. Sarah's international experience allows her to bring a full understanding of client needs to provide expert advocacy and sound advice.

Sarah is committed to an accessible and inclusive approach to the law, as well as providing legal and risk advice tailored to her client's needs.

Key Practice Areas

- Commercial Law
- Common Law & Tort Law
- Coronial & Commissions of Inquiry
- Discrimination Law
- Employment, Workplace, & Industrial Law
- Equity
- Public & Administrative Law
- Regulatory & Professional Negligence

Select Cases

Employment, Discrimination, & WHS

- *McFadyen v Industrial Relations Secretary in respect of the Department of Climate Change, Energy, the Environment and Water* [2024] NSWIRComm 1026
- *AMWU v Cochlear Limited* [2024] FWC 526
- *SafeWork NSW v Mikeilee Construction Pty Ltd*, DCNSW (Ongoing)
- *Caroline Page v Serco Australia Pty Ltd*, FCA (Ongoing)
- *T Sylaprary v Scentre Pty Ltd*, FWC (Settled)
- *KPW Law Pty Ltd v Patel* [2023] NSWSC 617
- *Ned Gestos v Salesforce Australia*, FCFA (Settled)



Contact

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Admissions

Mediator (NMAS)

2022

Barrister

2018

Solicitor

2010

Education

Master of Laws (LLM)

College of Law

TBC 2025

Bachelor of Laws (LLB)

University of Technology Sydney

2010

Rankings

Best Lawyers

ONES TO WATCH

SARAH MCCARTHY

2025

Prior roles

Senior Solicitor

Department of Communities &
Justice, Sydney

Solicitor (OSQ)

Capsticks LLP, London

Solicitor

TressCox Lawyers, Sydney

Professional Memberships

Women's Lawyer's
Association of NSW

Bar Committees

ADR Committee

2024-2025

Common Law Committee

2022-2023

Wellbeing Committee

2019-2021

Diversity & Equality
Committee

2019-2020

- *G Martin v **Twin Creeks Golf Club & Anor***, FCA, 2023 (Settled)
- *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
- *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
- *Rachelle Miller v **Commonwealth of Australia***, 2022 (Settled)
Led by Kate Eastman SC
- *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
- ***Fair Work Ombudsman** v Northcoast Security Services Group Pty Ltd and Ors (No.3)* [2020] FCCA 521

Regulatory, Professional Negligence, & Common Law

- *Fuller v **ACT*** [2024] ACTCA 19; *Fuller v **ACT*** [2022] ACTSC 361
- ***Health Care Complaints Commission (HCCC) v Morsingh (No 2)*** [2023] NSWCATOD 183
- ***HCCC** v Wilton* [2023] NSWCATOD 118; ***HCCC** v Wilton* [2023] NSWCATOD 161
- ***HCCC** v Wilton* [2023] NSWCATOD 153
- ***HCCC** v Gaberman* [2023] NSWCATOD 77
- ***HCCC** v Narayan* [2023] NSWCATOD 90
- *Cammarata (nee Payne) v **HCCC*** [2022] NSWCATOD 143
- ***HCCC** v Khalighimonfared* [2022] NSWCATOD 78
- ***HCCC** v McCarthy (No 2)* [2022] NSWCATOD 14; ***HCCC** v P McCarthy* [2021] NSWCATOD 201
- ***HCCC** v Ndiweni* [2022] NSWNPSC 1 (29 March 2022)

Publications

'Experienced Barrister's Program'

P McGrath SC, T Castle SC & S McCarthy

Bar News, Winter 2021

'Barrister's Benevolent Fund: Choosing to Persevere'

S McCarthy

Bar News, Winter 2021

'New Ways of Working: Covid-19's Silver Lining',

K Nomchong SC & S McCarthy

Bar News, Winter 2020

Clerk

Eugenie Crosby

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(02) 9335 3000

Inquests & Commissions of Inquiry

- *Orroral Valley Fire Inquiry*

Led by Michael Fordham SC

- *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, **Appointed Junior Counsel Assisting***, 2019

Led by Michael Fordham SC and Chris Ronalds SC

Commercial, Public, & Administrative Law

- *Salon Essentials Pty Ltd v **Hawley International Pty Ltd*** NSWDC (Ongoing)
- *Carabetta v **Carlingford Bowling, Sports & Recreation Club*** [2023] NSWSC 1442
- *Barel v **Barel*** [2023] NSWDC 135
- *Komal Sharma v **Sikh Mission Centre Sydney Inc***, LCNSW (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