

Sarah A McCarthy

Barrister-at-Law

13th Floor St James Hall

About Sarah

Sarah has a busy national practice that covers all aspects of employment, industrial, discrimination, and workplace health and safety law.

Sarah accepts briefs in all aspects of health law (from common law to professional disciplinary matters and inquiries), as well as commercial, public and administrative law matters.

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

When she was called to the Bar in 2018, Sarah read with her Honour Justice Elizabeth Raper, and Simeon Beckett SC.

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 also has a Bachelor of Creative Arts (Visual Arts) from the University of Wollongong and an Advanced Diploma in Screenwriting (Feature Film) from the Australian, Film, Television, and Radio School.

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, Industrial, & Discrimination

- *SafeWork NSW v Mikeilee Constructions Pty Ltd*, District Court of NSW (Ongoing)
- *McFadyen v Industrial Relations Secretary obo DCCEEW* [2024] NSWIRComm 1026
- *AMWU v Cochlear Limited* [2024] FWC 526
- *Mark Lyndon Stoodley v Ticketek Pty Ltd* [2023] FWC 2932



Contact

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Admissions

Barrister

2018

National Mediator
Accreditation (NMAS)

2022

Solicitor

2010

Education

Master of Laws (LLM)

College of Law

TBC 2025

Bachelor of Laws (LLB)

University of Technology Sydney

2010

Rankings



Prior roles

Senior Solicitor

Department of Communities & Justice, Sydney

Solicitor

TressCox Lawyers, Sydney

Solicitor (OSQ)

Capsticks LLP, London

Senior Industrial Relations Adviser

Department of Finance, Services & Innovation, Sydney

Professional Memberships

Industrial Relations Society NSW

2024

Bar Committees

ADR Committee

2024-2025

Common Law Committee

2022-2023

Family Law Committee

2021-2022

Wellbeing Committee

2019-2021

Diversity & Equality Committee

2019-2020

- *Caroline Page v Serco Australia Pty Ltd*, FCA (Ongoing)
General protections & work injury damages claim
- *KPW Law Pty Ltd v Patel* [2023] NSWSC 617
- *Ned Gestos v Salesforce Australia*, FCFCFA (Settled)
General protections & ACL claim
- *G Martin v Twin Creeks Golf Club & Anor*, FCA, 2023 (Settled)
General protections, breach of contract, leave entitlements.
- *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] FWC 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: sex discrimination, sex harassment, adverse action.
- *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

Inquests & Commissions of Inquiry

- *Orroral Valley Fire Inquiry*
Led by Michael Fordham SC (for the Australian Defence Force)
- *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.

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

- *Fuller v ACT* [2024] ACTCA 19; *Fuller v ACT* [2022] ACTSC 361
- **Health Care Complaints Commission (HCCC) v Morsingh (No 2)** [2023] NSWCATOD 183; *Health Care Complaints Commission v Wilton* [2023] NSWCATOD 118; *Health Care Complaints Commission 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
- **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

Commercial, Equity, & Administrative Law

- *Carabetta v Carlingford Bowling, Sports & Recreation 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