



SAMUEL HOARE

Bachelor of Civil Law, University of Oxford (Christ Church)
Bachelors of Arts & Laws, University of Sydney

T +61 2 9151 2013

F +61 2 9233 1850

E hoare@newchambers.com.au

in [samueljhoare](#)

Admitted to the legal profession
2019

Admitted as a barrister in NSW
2022

Also entitled to practise in
Australian jurisdictions (Commonwealth,
State and Territory)

Sam has a broad commercial and public law practice. Prior to coming to the Bar, he was Associate to the Hon Justice PA Keane AC of the High Court of Australia. He also practised as a solicitor in the dispute resolution team at Herbert Smith Freehills, where he worked on a range of commercial and public law proceedings in the High Court of Australia, Federal Court of Australia and Supreme Courts of NSW and Victoria. He was previously Associate to the Hon Justice JS Gleeson when her Honour was a Justice of the Federal Court of Australia.

Sam graduated from the University of Sydney with a Bachelor of Arts and a Bachelor of Laws, ranked second overall in his law cohort of 164 and in receipt of the prize for first in his final year cohort and prizes for and/or first ranks in seven subjects, including Advanced Constitutional Law and Equity. He later read for the postgraduate Bachelor of Civil Law at the University of Oxford, supported by Christ Church's Myers Scholarship. He graduated with distinction and the paper prize for Commercial Remedies.

Sam tutors Constitutional Law and Introduction to Property & Commercial Law, and has previously examined Public Law, at the University of Sydney.

PROFESSIONAL EXPERIENCE

- 2022 – date:** Barrister, New Chambers
- 2021 – 2022:** Solicitor, Herbert Smith Freehills.
- 2020 – 2021:** Associate to the Honourable Justice PA Keane AC, High Court of Australia.
- 2018 – date:** Tutor/Examiner in Federal Constitutional Law and Introduction to Property & Commercial Law and Examiner in Public Law, University of Sydney.
- 2019:** Graduate, Herbert Smith Freehills.
- 2018 – 2019:** Associate to the Honourable Justice JS Gleeson, Federal Court of Australia.

SELECTED CASES

As a barrister

- *Jones v Commonwealth of Australia & Ors* (B47 of 2022; High Court), led by Sebastian Hartford-Davis. Constitutional law – validity of citizenship revocation power conferred by s 34(2)(b)(ii) of *Australian Citizenship Act 2007* (Cth); whether supported by s 51(xix) of *Constitution* (naturalization and aliens) and/or infringes Ch III separation of powers.
- *ASIC v Union Standard International Group Pty Ltd & Ors* (NSD 2064 of 2019 (FCA)), led by Luke Livingstone SC. Corporations, statutory interpretation – extraterritorial application of s 912A(1)(a) of *Corporations Act 2001* (Cth), whether limited to financial services provided to consumers in Australia.
- *Atkinson v Department of Premier and Cabinet and the Premier of New South Wales* ([2023] NSWCATAD 45), led by Philip Santucci. Public law, statutory interpretation – interpretation and application of Cabinet information provisions of *Government Information (Public Access) Act 2009* (NSW).
- *BDR21 v Australian Broadcasting Corporation* (NSD 896/2021; FCAFC), led by Brendan Lim. Constitutional law, statutory interpretation – interaction of *Public Interest Disclosure Act 2013* (Cth) and *Parliamentary Privilege Act 1987* (Cth), interpretation of s 49 of *Constitution* (privileges &c. of Houses).
- *Broken Hill City Council v Redenbach Group Pty Ltd & Ors* (NSWSC 2023 / 00213494), led by Mark Brabazon SC. Equity, contracts, practice and procedure – misappropriations from trust funds and accessorial liability, entitlement to disbursements turning on issues of contractual formation and principles governing uplift fees chargeable under costs agreements.
- *Catherine Scott v Emancee Pty Ltd & Ors* (NSD 245/2022; FCA), led by Bernard Coles KC. Corporations, equity – oppression, just and equitable winding up claim in respect of family asset management company.
- *Commissioner of the Australian Federal Police v Adam Michael Cranston & Ors* (NSWSC, 2017/146280), led by Greg O'Mahoney. Proceeds of crime – restraint and forfeiture of assets under *Proceeds of Crime Act 2002* (Cth).
- *Commissioner Chalker v Natasha Fyles, Kate Worden & the Northern Territory* (NTSC), led by Arthur Moses SC. Public law, practice and procedure – interlocutory injunction, validity of threatened revocation of Police Commissioner's statutory appointment.
- *Commonwealth of Australia v Bradley Tonks (as liquidator of BCA National Training Group Pty Limited (in liquidation))* (2023 / 00159371), led by Ben Katekar SC. Appellate, corporations/insolvency – interaction of ss 556 and 561 of *Corporations Act 2001* (Cth).
- *David Burnett Ramsay v Minister administering the Water Management Act 2000* (2023/229215; NSWCA), led by Zelig Heger. Appellate, environment and planning, practice and procedure, statutory construction – appeal from summary dismissal of Class 1 proceedings in respect of decision granting water access licence for lesser amount than sought for lack of jurisdiction under s 368(1) of *Water Management Act 2000* (NSW).
- Expert determination proceeding, led by Bret Walker SC. Commercial law – construction of indemnity in construction contract, responsiveness to unenforceability of penal clause; interaction of common law and

equitable penalties doctrines; status of *Citicorp v Hendry* (1984) 4 NSWLR 1 following *Andrews v ANZ* (2012) 247 CLR 205.

- *Gladys Crossa v ALDI Stores Ltd* (2022/00189550; NSWSC), unled. Practice and procedure – application for preliminary discovery.
- *Infrastructure Services Luxembourg SARL v Kingdom of Spain* (NSW 602 /2019), led by Philip Santucci. Private international law – execution of investor-state arbitral awards, issues of foreign state and consular immunity.
- *Kellie Brose & Anor v Bruce Slade & Anor* (2022/00297484; NSWSC), led by Ben Katekar SC. Equity, property law, practice and procedure – proprietary estoppel, common intention constructive trust in respect of farming properties. Extension of caveat application, formal requirements for caveats (*Brose v Slade* [2022] NSWSC 1785).
- *Mahr EDV GMBH v Migration International Group Pty Ltd* ([2023] NSWCATCD), unled. Private international law – NCAT’s statutory jurisdiction; enforcement of exclusive jurisdiction clause, forum *non conveniens*.
- *Michael Wilson & Partners v Nicholls; Michael Wilson & Partners v Emmott* (2006/00268492 and 2016/0034380; NSWSC), led by Ben Katekar SC and unled. Practice and procedure – application for freezing and related orders, setting aside of subpoenas.
- *QNI Resources Pty Ltd & Anor v North Queensland Pipeline No 1 & Anor* (B44 of 2022; HCASLA), led by Dominic Villa SC. Appellate, commercial law, equity – principle of good faith in contract, contractual penalties.
- *Ramsay v Minister Administering the Water Management Act 2000* (2023.00229215, 2023/00229221; NSWCA), led by Zelig Heger. Appellate, statutory interpretation, environment and planning – appeal from decision holding Land and Environment Court has no jurisdiction over ‘appeals’ against grant of replacement floodplain harvesting access licences with lower share components than sought under the *Water Management Act 2000* (NSW).
- *RREEF Infrastructure GP Limited & Ors v Kingdom of Spain* (NSD 2169 / 2019), led by Scott Robertson SC. Private international law – recognition and enforcement of investor-state arbitral awards under the *International Arbitration Act 1974* (Cth), in circumstances where Spain maintains disputes subject of awards not submitted to arbitration.
- *Senatore v Andriolo; Re Italo-Australian Club (ACT) Ltd* ([2022] ACTSC 285), led by Ben Katekar SC. Equity, corporations – breach of fiduciary and directors’ duties, accessory liability in context of insolvency of cultural club.
- *Shannon Goodenough v Coffs Harbour City Council* (NCAT, 2023/00232401), unled. Application under *Government Information (Public Access) Act 2009* (NSW).
- *Simon Hickey v State Parole Authority* ([2022] NSWSC 1389), led by Zelig Heger. Administrative law – application by high-risk offender under s 176 of *Crimes Administration of Sentences Act 1999* (NSW) for review of parole revocation.
- *State of NSW v Marc Richardson* (NSWSC, 2023/191598), led by James Emmett SC. Public law – application for extended supervision order under *Terrorism (High Risk Offenders) Act 2017* (NSW).

- *State of NSW v Moudasser Taleb* ([2022] NSWSC 1748), led by Patricia McDonald SC. Public law – application for extended supervision order under *Terrorism (High Risk Offenders) Act 2017* (NSW).
 - *Sundarjee Bros (Aust) Pty Ltd v Sanjay Sundarjee & Ors* (2022/246803; NSWSC), led by James Hutton SC. Equity, corporations, commercial law – breach of fiduciary and directors’ duties, equitable duties of confidence; oppression and just and equitable winding up; conventional estoppel.
 - *Treasury Services Group Pty Ltd v Australian Prudential Regulation Authority* (7325/2023; AAT), led by Luke Livingstone SC. Administrative law, financial services – review of decision of APRA to refuse a licence to carry on banking business under *Banking Act 1959* (Cth).
 - *The Owners – Strata Plan No 80877 (Mascot Towers) v Lannock Capital 2 Pty Ltd & Ors* (2022/00156218; NSWSC), led by David Sulan SC. Equity, real property, statutory construction – principles governing termination of strata scheme under Pt 9 Div 3 *Strata Schemes Development Act 2015* (NSW), priorities with respect to proceeds of sale.
 - *Ying v Hou* (2022/00379999; NSWSC), unled. Appellate, evidence – appeal on questions of law from judgment of Local Court, treatment of evidence.
 - *Wuwei Shi v Minister for Home Affairs* (NSD523 of 2022; FCAFC), led by Philip Santucci. Appellate, migration – *Migration Act 1958* (Cth), judicial review of s 501 cancellation, whether meaningful consideration given to representations made under s 501CA.
 - Advice, including to Commonwealth and Queensland departments and instrumentalities and in respect of a prospective class action.
- As a solicitor
- *Citta Hobart Pty Ltd & Anor v Cawthorn* ([2022] HCA 16; 96 ALJR 476). Constitutional law – federal jurisdiction and inconsistency of laws, whether State tribunal impermissibly purported to exercise judicial power of the Commonwealth.
 - *EG FuelCo(Australia) Ltd & Anor v Ampol Australia Petroleum Pty Ltd & Anor* (NSD 877/2021; FCA). Competition and consumer law, contract – Anti-competitive conduct, misleading or deceptive conduct and breach of contract in respect of fuel supply and related agreements.
 - *Environment Victoria Inc v AGL Loy Yang Pty Ltd & Ors* (S ECI 2021 03415; VSC). Administrative law, environment and planning– Judicial review of licencing decisions made by the Environmental Protection Authority Victoria.
 - *iSighthis Ltd & Ors v ASX Ltd* (VID 1315/2019; FCA). Public law, commercial law, practice and procedure – mis-exercise of public powers, misleading or deceptive conduct and breach of contract; security for costs.
 - Advice, including to financial institutions, technology, resources companies regarding regulatory obligations.

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Administrative Law	Class Actions	Contracts
Appellate	Competition and Consumer	Corporations and Securities
Banking and Financial Services	Conflict of Laws	

EQUITY

Appellate	Property	Trusts
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PUBLIC AND ADMINISTRATIVE LAW

Appellate	Judicial review and administrative law	Public law
Constitutional Law		

COMMON LAW

Appellate	Class Actions	Professional Liability
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