



SAMUEL HOARE

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Bachelors of Arts & Laws, University of Sydney

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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

Matter	Led by / team / against	Summary
High Court of Australia		

Matter	Led by / team / against	Summary
<i>Jones v Commonwealth of Australia & Ors</i> [2023] HCA 34	Led by: Sebastian Hartford-Davis, Daniel Reynolds (and with Kate Bones) Instructed by: Fisher Dore Lawyers Against: Stephen Donoghue KC, Frances Gordon SC, Luca Moretti and Arnett Regan (instructed by AGS)	Constitutional law – validity of citizenship revocation power conferred by s 34(2)(b)(ii) of <i>Australian Citizenship Act 2007</i> (Cth); whether supported by s 51(xix) of <i>Constitution</i> (naturalization and aliens) and/or infringes Ch III separation of powers. Heard jointly with <i>Benbrika v MHA</i> [2023] HCA 33.
<i>Lowe v Pascoe</i> S18/2024 <i>Lowe v Sze Tu</i> S19/2024	Led by: Guy Reynolds SC, Philip Santucci	Partnership law – partners’ obligation of indemnity or reimbursement in respect of partnership expenses or liabilities
<i>QNI Resources Pty Ltd & Anor v North Queensland Pipeline No 1 & Anor</i> HCASLA B44 of 2022	Led by: Dominic Villa SC, Philip Santucci Alexander Law	Commercial law, equity – principle of good faith in contract, contractual penalties.
<i>XTVC v Commonwealth</i> S167/2023	Led by: David Hooke SC, Sebastian Hartford-Davis and Jason Donnelly	Constitutional law – Ch III – validity of curfew and electronic monitoring visa conditions imposed on non-citizens released following <i>NZYQ</i> .
Intermediate appellate courts		
<i>BDR21 v Australian Broadcasting Corporation</i> [2023] FCAFC 101	Led by: Brendan Lim Direct access Against: Craig Lenehan SC, Zelig Heger and Jackson Wherrett (instructed by AGS)	Constitutional law, statutory interpretation – interaction of <i>Public Interest Disclosure Act 2013</i> (Cth) and <i>Parliamentary Privilege Act 1987</i> (Cth), interpretation of s 49 of Constitution (privileges &c. of Houses).
<i>Commonwealth of Australia v Bradley Tonks (as liquidator of BCA National Training Group Pty Limited (in liquidation))</i> NSWCA [2023] NSWCA 285	Led by: Ben Katekar SC Instructed by SLF Lawyers Against: Jonathon Moore SC, Andrew Roe (instructed by Mills Oakley)	Corporations/insolvency – interaction of ss 556 and 561 of Corporations Act 2001 (Cth), whether priority creditors gain priority under s 561 over liquidator where secured creditor paid in full from non-circulating assets.
<i>David Burnett Ramsay v Minister administering the Water Management Act 2000</i> [2023] NSWCA 299	Led by: Zelig Heger Instructed by: NSW Department of Planning, Infrastructure & Environment Against: Clifford Ireland (instructed by Horton Rhodes)	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 <i>Water Management Act 2000</i> (NSW).
<i>Comcare v DSBL</i> FCAFC NSD1344/2023	Led by: Dominic Villa SC, Matt Karam Against: Andrew Berger KC, Kate Slack	Administrative law, statutory construction – whether s 62 of the <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth) permits reconsideration by Comcare of a primary determination made under that Act after already reconsidered and subject to external merits review.
<i>GR v Secretary, Department of Communities and Justice</i> [2023] NSWCA 239	Led by: Catherine Gleeson SC Direct access (<i>amicus</i>) Against: Michael Dalla-Pozza (instructed by NSW Crown Solicitor)	Administrative law, practice and procedure – appeal against interlocutory decision of NCATAP against decision of NCAT refusing application to be joined to guardianship proceedings – denial of procedural fairness.

Matter	Led by / team / against	Summary
<i>Kingdom of Spain v Infrastructure Services Luxembourg SARL & Anor</i> FCAFC NSD 367/2024	Led by: Scott Robertson SC, Philip Santucci Instructed by: K&L Gates	Practice and procedure – public international law – appeal against order for security for costs in respect of application to set aside <i>ex parte</i> orders – whether <i>ex parte</i> orders infringe consular privileges and immunities – whether denial of procedural fairness
<i>Kellie Brose & Anor v Bruce Slade & Anor</i> NSWCA 2023 / 00301064	Led by: Ben Kateker SC Instructed by: BAL Lawyers Against: James Mack, Bradley Smith	Equity – proprietary estoppel in respect of farming properties, whether primary erred by holding that contingent and aspirational representations capable of founding estoppel – powers of courts on appeal to reverse judgments below
<i>Wuwei Shi v Minister for Home Affairs</i> [2022] FCAFC 708	Led by: Philip Santucci Direct access (amicus) Against: Bora Kaplan (instructed by AGS)	Appellate, migration – Migration Act 1958 (Cth), judicial review of s 501 cancellation, whether meaningful consideration given to representations made under s 501CA.
Superior courts		
<i>ASIC v Union Standard International Group Pty Ltd & Ors</i> FCA NSD 2064 / 2019	Led by: Luke Livingstone SC, David Birch Instructed by Clayton Utz/ASIC	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.
<i>Broken Hill City Council v Redenbach Group Pty Ltd & Ors</i> NSWSC 2023 / 00213494	Led by: Mark Brabazon SC Instructed by BAL Lawyers	Equity, contracts, restitution 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, restitution of overpayments.
<i>Catherine Scott v Emancee Pty Ltd & Ors</i> FCA NSD 245 / 2022	Led by: Bernard Coles KC Instructed by HWLE Against: Ian Faulkner SC Aligned party Lachlan Gyles SC, James Mack	Corporations, equity – oppression, just and equitable winding up claim in respect of family asset management company.
<i>Commissioner of the Australian Federal Police v Adam Michael Cranston & Ors</i> NSWSC 2017 / 146280	Led by: David McLure SC, Greg O'Mahoney and Kim Anderson Instructed by AFP	Proceeds of crime – restraint and forfeiture of assets under <i>Proceeds of Crime Act 2002</i> (Cth).
<i>Commissioner Chalker v Natasha Fyles, Kate Worden & the Northern Territory</i> NTSC	Led by: Arthur Moses SC Instructed by Company Giles Against Nikolai Christrup SC (NTSG)	Public law, practice and procedure – interlocutory injunction, validity of threatened revocation of Police Commissioner's statutory appointment.
<i>Gladys Crossa v ALDI Stores Ltd</i> NSWSC 2022 / 00189550	Unled Instructed by: Sparke Helmore	Practice and procedure – application for preliminary discovery.
<i>Infrastructure Services Luxembourg SARL v Kingdom of Spain</i> FCA NSD 602 / 2019	Led by: Philip Santucci Instructed by: K&L Gates	Private international law, practice and procedure – execution of investor-state arbitral awards, issues of foreign state and consular immunity. Security for costs – security for costs of application to set aside <i>ex parte</i> judgment (<i>Infrastructure Services Luxembourg S.à.r.l. v Kingdom of Spain (security for costs)</i> [2024] FCA 234)

Matter	Led by / team / against	Summary
<i>Jones v Minister for Immigration, Citizenship and Multicultural Affairs</i> FCA File No pending	Led by: Sebastian Hartford-Davis Instructed by: Fisher Dore Lawyers	Administrative law, judicial review – whether decision to revoke citizenship pursuant to s 34(2) of the <i>Australian Citizenship Act 2007</i> (Cth) made for impermissible purposes of retribution, denunciation and/or deterrence.
<i>Kellie Brose & Anor v Bruce Slade & Anor</i> [2022] NSWSC 1785 [2023] NSWSC 1024	Led by: Ben Kateker SC Instructed by: BAL Lawyers Against: James Mack, Bradley Smith	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.
<i>Kupang Resources Pty Ltd v Commonwealth of Australia</i> NSWSC 2020/00106859	Led by Sebastian Hartford-Davis Instructed by Banton Group	Equity – whether Commonwealth a knowing recipient of funds sourced from equitable wrongs identified in <i>Grimaldi v Chameleon Mining NL (No 2)</i> (2012) 200 FCR 296 through their payment to Commonwealth in satisfaction of taxation liabilities.
<i>Michael Wilson & Partners v Nicholls; Michael Wilson & Partners v Emmott</i> NSWSC 2006 / 00268492 and 2016 / 0034380	Unled in part, led by Ben Katekar SC in part	Practice and procedure – application for freezing and related orders, application to setting aside of subpoenas.
<i>Murray Lower Darling Rivers Indigenous Nations v Cth of Australia & Ors</i> FCA NSD 1201 / 2023	Led by: Craig Lenehan SC, Zelic Heger Instructed by: NSW Department of Planning, Infrastructure and Environment	Public law – judicial review of decision of Cth Minister for the Environment & Water to accredit water resource plan under s 65(5) of <i>Water Act 2007</i> (Cth) as compliant with Basin Plan requirements and decision of Murray Darling Basin Authority to recommend accreditation of plan under s 63(4) of that Act in circumstances where, when preparing water resource plan, State of NSW said to have failed to consult and have regard to objectives of Indigenous people in water resource plan area as required by Basin Plan.
<i>RREEF Infrastructure GP Limited & Ors v Kingdom of Spain</i> FCA NSD 2169 / 2019	Led by: Scott Robertson SC, Philip Santucci Instructed by: Squire Patton Boggs	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.
<i>Sargent Security (Aus) Pty Ltd v Scottish Pacific (BFS) Pty Ltd</i> NSWSC 2020 / 0037869	Led by: Michael Izzo SC and Julie Granger Instructed by: King & Wood Mallesons Against: Nicholas Owens SC, Frank Tao, Nicholas Kapilafkas	Commercial – alleged unconscionable conduct within meaning ss 12CA, 12CB of the ASIC Act 2001 (Cth), ss 20 and 21 of the ACL and s 991A of the Corporations Act 2001 (Cth) in respect of secured creditor's provision of invoice factoring, appointment of receivers to assets of debtor.
<i>Scout Association of Australia New South Wales Branch v Hastings Residents Associations Incorporated</i> NSWSC 2024/00064273	Unled Instructed by HWLE	Real property – application for possession of land following termination of sublicence.
<i>Senatore v Andriolo; Re Italo-Australian Club (ACT) Ltd</i> [2022] ACTSC 285	Led by: Ben Katekar SC Instructed by: BAL Lawyers Against Matt Karam, Liam Cavell	Equity, corporations – alleged breach of fiduciary and directors' duties, accessory liability in context of insolvency of cultural club.

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<i>Sinclair v State of Victoria</i> FCA VID 134/2024	Led by: Justin Gleeson SC, Rachel Doyle SC, David Sulan SC and Sebastian Hartford-Davis Instructed by: JWS	Constitutional law; class actions; restitution – claim on behalf of persons who paid foreign purchaser additional duty and (foreign) land tax surcharge to the State of Victoria for restitution thereof – Victorian taxing statutes s 109 inconsistent with international taxation agreements given force of Commonwealth law.
<i>Simon Hickey v State Parole Authority</i> [2022] NSWSC 1389	Led by: Zelig Heger Instructed by: NSW Crown Solicitor	Administrative law – application by high-risk offender under s 176 of <i>Crimes Administration of Sentences Act 1999</i> (NSW) for review of parole revocation.
<i>Spaul v Australian Media and Communications Authority</i> FCA ACD 61/2023	Led by: Zelig Heger Instructed by: AGS	Administrative law, human rights – applications under <i>Australian Human Rights Commission Act 1986</i> (Cth) and <i>ADJR Act</i> alleging ACMA engaged in age discrimination contrary to Age <i>Discrimination Act 2004</i> (Cth) in respect of alcohol advertising requirements in Free TV Code and fell into error – application for protective costs order.
<i>State of NSW v Marc Richardson</i> [2023] NSWSC 1048	Led by: James Emmett SC, Alice Zheng Instructed by: NSW Crown Solicitor Against E Kerkyasharian with D Bhutan (instructed by Legal Aid)	Public law – application for extended supervision order under Terrorism (High Risk Offenders) Act 2017 (NSW).
<i>State of NSW v Moudasser Taleb</i> [2022] NSWSC 1748	Led by: Patricia McDonald SC, Rebecca McEwen Instructed by: NSW Crown Solicitor Against: D Bhutani (instructed by Legal Aid)	Public law – application for extended supervision order under <i>Terrorism (High Risk Offenders) Act 2017</i> (NSW).
<i>Sundarjee Bros (Aust) Pty Ltd v Sanjay Sundarjee & Ors</i> NSWSC 2022 / 246803	Led by: James Hutton SC Instructed by: ABL Against: David McLure SC, Amelia Smith (instructed by Mills Oakley) Aligned parties: David Sulan SC, Ryan May	Equity, corporations, commercial law – breach of fiduciary and directors' duties, equitable duties of confidence; oppression and just and equitable winding up; conventional estoppel; contempt. Contempt – criminal contempt of court; non-compliance with search orders (<i>Sundarjee Bros (Aust) Pty Ltd v Sanjay Sundarjee</i> [2024] NSWSC 237).
<i>The Owners – Strata Plan No 80877 (Mascot Towers) v Lannock Capital 2 Pty Ltd & Ors</i> NSWSC [2023] NSWSC 1401	Led by: David Sulan SC, Jennifer Mee Instructed by: Bugden Allen Graham Against: M Castle, M Isaac, Z Hillman, S Robertson SC, D Allen, V Whittaker SC, H Lenigas	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 as between strata lender and mortgagees.
<i>Ying v Hou</i> [2023] NSWSC 1291	Unled Instructed by: Sun Lawyers Against: Bora Kaplan, Allan Flick	Appellate, evidence – appeal on questions of law from judgment of Local Court, treatment of evidence.

Inferior courts and tribunals

<i>Atkinson v Department of Premier and Cabinet and the Premier of New South Wales</i> [2023] NSWCATAD 45	Led by: Philip Santucci Instructed by: Web Henderson Against Robert Pietriche (instructed by NSW Crown Solicitor)	Public law, statutory interpretation – interpretation and application of Cabinet information provisions of <i>Government Information (Public Access) Act 2009</i> (NSW).
<i>Jones v Minister for Immigration, Citizenship and Multicultural Affairs</i> AAT 2023/9190	Led by: Sebastian Hartford-Davis Instructed by: Fisher Dore Lawyers	Administrative law – application for review of decision to revoke citizenship pursuant to s 34(2) of the <i>Australian Citizenship Act 2007</i> (Cth); application for extension of time.

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<i>Lubavitch Jewish Centre Incorporated v Secretary, Department of Education</i> NCAT 2024/120882	Unled Instructed by: NSW Crown Solicitor	Administrative law – application for review of decision to cancel provider approval under s 33 of the <i>Children (Education and Care Services) National Law</i> (NSW) – application for stay of decision.
<i>Mabr EDV GMBH v Migration International Group Pty Ltd</i> NCAT 2023 / 24611	Unled Instructed by: K&L Gates	Private international law – NCAT’s statutory jurisdiction; enforcement of exclusive jurisdiction clause, forum <i>non conveniens</i> .
<i>R v Jake Watkin</i> NSWDC 2021/00246107	Unled Instructed by: NSW Crown Solicitor	Constitutional law – intervention on behalf of Attorney-General re whether s 29(i)(d), (e) and (f) of the <i>Children & Young Persons (Care & Protection) Act 1988</i> (NSW) apply with respect to application for permanent stay of criminal proceedings and, if so, whether they contravene <i>Kable</i> principle.
<i>R v IHMS (Aljaberi)</i> NSWLC 2021/00062182	Led by: Kylie Nomchong SC Instructed by: Seyfarth Shaw	Public law – whether s 216(i) of the <i>Criminal Procedure Act 1986</i> (NSW) picked up and applied to prosecution for federal WH&S offence by ss 68(i) and/or 79(i) of the <i>Judiciary Act 1903</i> (Cth).
<i>Shannon Goodenough v Coffs Harbour City Council</i> NCAT 2023 / 00232401	Unled Instructed by: Minter Ellison	Application under <i>Government Information (Public Access) Act 2009</i> (NSW) for release of commercially sensitive transaction documents held by local council.
<i>Treasury Services Group Pty Ltd v Australian Prudential Regulation Authority</i> AAT 7335 / 2023	Led by: Luke Livingstone SC Instructed by: APRA	Administrative law, financial services – review of decision of APRA to refuse a licence to carry on banking business under <i>Banking Act 1959</i> (Cth).
Alternative dispute resolution		
Expert determination proceeding	Led by: Bret Walker SC, Sebastian Hartford-Davis Instructed by: HFW	Commercial law – construction of indemnity in construction contract, responsiveness to unenforceability of penal clause; interaction of common law and equitable penalties doctrines; status of <i>Citicorp v Hendry</i> (1984) 4 NSWLR 1 following <i>Andrews v ANZ</i> (2012) 247 CLR 205.
Advice work	Advice, including to Commonwealth, NSW, Queensland, Victorian and Northern Territory departments and instrumentalities on issues of statutory construction, merits of prosecutive claims, proposed administrative decisions.	
As a solicitor (Herbert Smith Freehills)		
<i>Citta Hobart Pty Ltd & Anor v Cawthorn</i> [2022] HCA 16; 96 ALJR 476	Instructing (with Hobart Community Legal Service) R Merkel QC, SA Beckett, CJ Tran and LE Hilly	Constitutional law – federal jurisdiction and inconsistency of laws, whether State tribunal impermissibly purported to exercise judicial power of the Commonwealth.
<i>EG FuelCo(Australia) Ltd & Anor v Ampol Australia Petroleum Pty Ltd & Anor</i> FCA NSD 877/2021.	Instructing Declan Roche SC, Zoe Hillman	Competition and consumer law, contract – Anti-competitive conduct, misleading or deceptive conduct and breach of contract in respect of fuel supply and related agreements.

Matter	Led by / team / against	Summary
<i>Environment Victoria Inc v AGL Loy Yang Pty Ltd & Ors.</i> VSC SECI 2021 03415	Instructing Brendan Lim	Administrative law, environment and planning– Judicial review of licencing decisions made by the Environmental Protection Authority Victoria.
<i>iSignthis Ltd & Ors v ASX Ltd</i> FCA VID 1315/2019	Instructing Catherine Button SC, Brendan Lim	Public law, commercial law, practice and procedure – mis-exercise of public powers, misleading or deceptive conduct and breach of contract; security for costs.

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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