

Samuel Murray

Professional Details

Admitted to Bar:	May 2021
Admitted to Practice:	December 2017
Chambers:	Eleven Wentworth Chambers Level 11, 174–180 Phillip Street Sydney NSW 2000 (02) 8066 0895 murray@elevenwentworth.com
Education:	Bachelor of Civil Law (BCL) (Dist), Oxford Bachelor of Laws (LLB) (Hon I), University of Sydney
Experience prior to the Bar:	Senior Associate, Corrs Chambers Westgarth (2017 - 2021) Tipstaff to the Hon. Justice Ronald Sackville and the Hon. Justice Arthur Emmett, NSW Court of Appeal (2016)
Present Associations:	Membership of New Barristers Committee, NSW Bar Association (2023-2025) Membership of Media and Information Law and Technology Committee, NSW Bar Association (2024-2025)

Significant Cases (Unled Cases)

Case Name	Court/Judges	Subject Matter	Leader
<i>Brickworths Ltd v BGC (Australia) Pty Ltd</i> (24 January 2025, unreported)	Federal Court of Australia Halley J	Application for further and better discovery and interrogatories	Unled (for respondent)
<i>Aurora Australasia Pty Ltd v Hunt Prosperity Pty Ltd</i> [2025] NSWCA 15	NSW Court of Appeal Ward P, Stern JA and Griffiths AJA	Appeal as to whether debtor had given equitable charge, and whether trustee obliged to process redemption request in the amount claimed by the appellants	Unled (for first respondent)
<i>Ovchinnikov v Baikal Sports Club Inc</i> [2024] NSWCA 171	NSW Court of Appeal Mitchelmore and Stern JJA, and Basten AJA	Appeal as to whether debenture holders of an incorporated association had a right to vote having regard to the construction of the association's constitution and the <i>Associations Incorporation Act 2009</i>	Unled (for respondent)

<i>Halil v NSW Land and Housing Corporation</i> [2023] NSWSC 1646	NSW Supreme Court Chen J	Judicial review of decision from NCAT regarding termination of lease and abatement of rent, as to whether appellant raised question of law	Unled (for respondent)
<i>Yi Qiang v Commonwealth Bank of Australia</i> (31 July 2024, unreported)	NSW Supreme Court Kunc J	Hearing of urgent interlocutory application concerning whether injunction should be granted to prevent the de-banking of a bank customer where there was a failure to give reasonable notice	Unled (for applicant)
<i>Haylen v Davis</i> (20 December 2024, unreported)	NSW District Court Olsson J	Final hearing as to whether builder/occupier had breached duty of care under s 37 of the <i>Design Building Practitioners Act</i> and <i>Home Building Act</i> warranties; whether claim was statute barred; extent of quantum of loss	Unled (for defendant)
<i>Dinh Son Trieu v Minister For Immigration, Citizenship, Migrant Services & Multicultural Affairs & Anor</i> (9 May 2024, reserved)	Federal Circuit and Family Court of Australia Ladhams J	Judicial review as to whether decision of AAT affirming decision to refuse a visa on the basis that the applicant did not have a genuine spousal relationship should be set aside	Unled (for respondent)
<i>Najee Khouzame v The Owners - Strata Plan No 68607</i> (5 March 2024, unreported)	NSW Civil and Administrative Tribunal Robertson SM	Final hearing as to whether Owners Corporation is responsible for defects in strata lot, and whether limitation periods applied in respect of defects	Unled (for defendant)
<i>McGlone and Minister for Immigration, Citizenship, and Multicultural Affairs (Migration)</i> [2023] AATA 3375	Administrative Appeals Tribunal Rau SM	Merits review of Minister's decision not to revoke decision to cancel visa on basis of character test under s 501 in respect of serious criminal conduct; whether principle from <i>Love v Cth</i> applied to applicant	Unled (for respondent)
<i>Halil v NSW Land and Housing Corporation (No 3)</i> [2024] NSWSC 212	NSW Supreme Court Chen J	Application as to whether indemnity costs should be ordered on the basis of a walk-away Calderbank Offer; whether an exception to costs following the event applied	Unled (for respondent)
<i>Halil v NSW Land and Housing Corporation</i> (20	NSW Supreme Court	Application as to whether an urgent stay of execution should be granted in anticipation of appeal	Unled (for respondent)

February 2024, unreported)	Button J		
<i>Singh v Trollope</i> (23 September 2023, unreported)	NSW District Court Coleman DCJ	Final hearing regarding alleged breach of contract and bailment; whether employee or business liable under contract or bailment; whether loss established	Unled (for defendant)
<i>Raffy Nominees Pty Ltd v nib Holdings Ltd (No 2)</i> [2023] NSWSC 1294	NSW Supreme Court Ball J	Application for third party costs order and gross sum costs order, where a costs order had already been made and where a hopeless claim had been brought by a corporate alter ego, funded by the third party	Unled (for third defendant)
<i>Raffy Nominees Pty Ltd v nib Holdings Ltd (No 3)</i> (21 November 2023, unreported)	NSW Supreme Court Ball J	Application as to whether indemnity costs should be ordered on the basis of a Calderbank Offer conditional on acceptance by co-litigants	Unled (for third defendant)
<i>O'Connor & Ors v Griffis</i> [2022] NSWSC 197	NSW Supreme Court Henry J	Application for injunctive relief and to extend caveat in respect of a property concerning a trust created under a will, concerning whether estate had been properly administered	Unled (for plaintiffs)
<i>Infrabuild Construction Solutions Pty Ltd v Trinco (Aust) Pty Ltd</i> (29 April 2024, unreported)	NSW District Court Cole DCJ	Application as to whether hopeless merits of claim for breach of contract, restitution, and misleading or deceptive conduct, when abandoned on day of final hearing, warranted indemnity costs	Unled (for cross-defendant)
<i>Sinclair v Camnet Finance Pty Ltd</i> [2022] NSWCATAP 32	NSW Civil and Administrative Tribunal, Appeal Panel Senior Member G Curtin SC, Senior Member D Fairlie	Appeal arising out attempt to set aside personal guarantee, including on basis of application of National Credit Code	Unled (for defendant)
<i>Sinclair v Camnet Finance Pty Ltd (No 2)</i> [2022] NSWCATAP 154	NSW Civil and Administrative Tribunal, Appeal Panel Senior Member G Curtin SC, Senior Member D Fairlie	Application as to costs turning on whether amount in dispute exceeded statutory minimum to warrant order for costs	Unled (for defendant)

Significant Cases (Led Cases)

Appeals

<i>Boensch v Transport for NSW</i> [2024] NSWCA 119	NSW Court of Appeal Meagher, Payne JJA and Basten AJA	Appeal as to a boundary Determination under Pt 14A of <i>Real Property Act 1900</i>	Led by A Shearer SC (for respondent)
<i>Anderson v Canaccord Genuity Financial Ltd (No 2)</i> [2023] NSWCA 161	NSW Court of Appeal Gleeson, Leeming and White JJA	Application as to costs turning on the recoverability of ATE Premiums and principles regarding application of double recovery	Led by P Braham SC and A Bhasin (for appellant)
<i>Attorney General for New South Wales v FJG</i> [2023] NSWCA 34	NSW Court of Appeal Bell CJ, Ward P, Beech-Jones JA	Special referral on question of law concerning construction and validity of <i>Births Deaths Marriage Registration Act (NSW)</i> in respect of transgender Australians and the <i>Marriage Act (Cth)</i>	Led by Perry Herzfeld SC (for applicant)
<i>Stellar Vision Operations Pty Ltd v Hills Health Solutions Pty Ltd</i> [2023] NSWCA 102	NSW Court of Appeal Bell CJ, Hammerschlag CJ in Eq and Adamson JA	Appeal regarding claims of breach of contract and breach of fiduciary duty in a disputed joint venture, including questions of quantum	Led by Christian Bova SC and Jonathan Burnett (for appellant)
<i>Hancock Prospecting Pty Ltd v DFD Rhodes Pty Ltd [No 2]</i> [2023] WASCA 108	Western Australian Court of Appeal Quinlan CJ, Beech and Vaughan JJA	Appeal as to whether implied 'Harman' undertaking had been breached; whether nunc pro tunc order was procedurally fair and legally valid in light of <i>Commercial Arbitration Acts</i>	Led by Christian Bova SC and Daniel Farinha (for first and second appellant)
<i>Catlin Australia Pty Ltd v Diamond World Jewellers Pty Ltd</i> [2022] NSWCA 282	NSW Court of Appeal Leeming, White and Mitchelmore JJA	Appeal in respect of claim for breach of insurer's obligation of utmost good faith where insurer had admitted liability to pay and had not paid	Led by John Kelly SC (for respondent)
<i>Nashco Pty Ltd v Yang</i> [2022] NSWCA 137	NSW Court of Appeal Leeming, Brereton and Mitchelmore JJA	Appeal as to construction and enforceability of assigned guarantee in respect of assigned debt	Led by Angus Macauley (for respondent)
<i>Walker v Members Equity Bank Ltd</i> [2022] FCAFC 184	Full Court of the Federal Court of Australia	Appeal from determination of separate question regarding statutory construction of ASIC	Led by Tim Game SC and Sarah Keating (for respondent)

Wigney, Lee and
Abraham JJ

Act regarding operation of
limitation periods

First Instance

*ACN 117 641 004
Pty Ltd (In Liq) v
S&P Global, Inc (No
4)* [2025] FCA 72

Federal Court of
Australia
Shariff J

Application for determination on
admissibility of expert evidence

Led by R Dick SC, G
Donnellan and D Wong
(for the second plaintiff)

*Owners Corp SP
90832 v Dyladam
Developments Pty
Ltd (No 2)*[2024]
NSWSC 1538

NSW Supreme
Court
Hammerschlag CJ in
Eq

Determination of separate
question as to whether certifiers
perform “construction work” for
the purposes of the *Design and
Building Practitioners Act 2020*

Led by J Hutton SC (for
the plaintiff)

*Owners Corp SP
90832 v Dyladam
Developments Pty
Ltd [2024] NSWSC
1519*

*Aurora Australasia
Pty Ltd v Hunt
Prosperity Pty Ltd
[2024] NSWSC
1054*

NSW Supreme
Court
Rees J

Final hearing as to whether trustee
had breached duties as trustee in
retaining an investment
management and remunerating
them with units as fees

Led by D Sulan SC (for
first defendant)

*Aurora Australasia
Pty Ltd v Hunt
Prosperity Pty Ltd
(No 2)* [2024]
NSWSC 1210

NSW Supreme
Court
Rees J

Application for costs where there
was mixed success in litigation
and where trustee had resigned
ahead of hearing into misconduct

Led by D Sulan SC (for
first defendant)

*Big Un Limited (in
liquidation) v Evertz
[2024] NSWSC 878*

NSW Supreme
Court
McGrath J

Application for litigant to be
excused from discovery
obligations where applicant was
subject of parallel criminal
proceedings and was claiming
privilege against self-
incrimination

Led by E Holmes SC (for
third defendant)

*ACN 117 641 004
Pty Ltd (in liq) v
S&P Global, Inc (No
3)* [2024] FCA 1238

Federal Court of
Australia
Shariff J

Application as to security for
costs where there had been delay
and where there was a dispute
about quantification of costs on a
‘Rolls Royce Basis’

Led by R Dick SC and D
Wong (for respondents)

*Walker v Members
Equity Pty Ltd
(formerly Members
Equity Bank Ltd)
[2024] FCA 15*

Federal Court of
Australia
Bromwich J

Criminal sentencing hearing of a
bank for breach of the ASIC Act
and the National Credit Code, in
respect of misleading or deceptive
conduct

Led by Tim Game SC and
Sarah Keating (for
accused)

<i>Dialogue Consulting Pty Ltd v Instagram & Ors</i> (24 May 2024, unreported)	Federal Court of Australia Beach J	Application for a 'No Adverse Costs Order' under s 82 of the <i>Competition and Consumer Act</i>	Led by Tony Bannon SC, C Bannan and N Oreb (for respondents)
<i>Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd</i> [2024] WASC 132	Western Australian Supreme Court Whitby J	Application for production of documents subject to legal professional privilege and without prejudice privilege, and where the documents were purportedly subject to a trust	Led by A Shearer SC and J Burnett (for interested party)
<i>Big Un Limited (in liquidation) v Evertz (No 3)</i> [2024] NSWSC 1048	NSW Supreme Court McGrath J	Application for costs where there was mixed success in litigation and concessions made mid-hearing	Led by E Holmes SC (for third defendant)
<i>Raffy Nominees Pty Ltd v nib Holdings Ltd & Ors</i> [2023] NSWSC 715	NSW Supreme Court Ball J	Claims of breach of directors' duties against nominee director joint venture vehicle in respect of costs incurred by joint venture; claim for indemnity costs following discontinuance	Led by James Hutton SC (for 3 rd defendant)
<i>Grocon Group Holdings Pty Limited v Infrastructure NSW (No 3)</i> [2023] NSWSC 1352	NSW Supreme Court Ball J	Application for production of documents subject to legal professional privilege, to be determined by reference to a sample, where documents emanated to and from a general counsel of a company who had mixed legal/commercial role	Led by Darrell Barnett (for defendant)
<i>Grocon Group Holdings Pty Limited v Infrastructure NSW (No 4)</i> [2023] NSWSC 1545	NSW Supreme Court Ball J	Application for production of documents subject to legal professional privilege, and whether privilege waived by evidence or pleadings	Led by Darrell Barnett (for defendant)
<i>Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd (No 17)</i> [2023] WASC 72	Western Australian Supreme Court Smith J	Application regarding whether implied ' <i>Harman</i> ' undertaking had been breached or superseded by discovery order	Led by Christian Bova SC and Daniel Farinha (for first and second defendant)
<i>Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd [No 18]</i> [2023] WASC 82	Western Australian Supreme Court Smith J	Application regarding claims of abuse of process in respect of discovery	Led by Christian Bova SC (for first and second defendant)

<i>Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd [No 19]</i> [2023] WASC 114	Western Australian Supreme Court Smith J	Hearing of discovery application by categories, concerning appropriate test for discoverability	Led by Christian Bova SC (for first and second defendant)
<i>Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd [No 21]</i> [2023] WASC 169	Western Australian Supreme Court Smith J	Application to use documents subject to implied ‘ <i>Harman</i> ’ undertaking	Led by Christian Bova SC (for first and second defendant)
<i>Yang Bai v Watson Elite Pty Ltd</i> [2022] NSWSC 318	NSW Supreme Court Darke J	Final hearing regarding indefeasibility of title and the effect of the equity of redemption	Led by Angus Macauley (for defendant)
<i>Aust-One Investment Pty Ltd v New World Investments Pty Ltd</i> [2022] NSWSC 137	NSW Supreme Court Robb J	Final hearing regarding the enforceability of positive covenants in respect of covenant to pay revenue share	Led by Angus Macauley (for plaintiff)
<i>FKP Commercial Developments Pty Limited v Zurich Australian Insurance Limited (No 2)</i> [2023] FCA 582	Federal Court of Australia Jackman J	Determination of separate question concerning construction of extension clause in insurance policy	Led by Justin Williams SC (for applicant)
<i>FKP Commercial Developments Pty Ltd v Zurich Australian Insurance Ltd</i> [2022] FCA 862	Federal Court of Australia Jagot J	Determination of separate questions concerning construction of insuring clause and advancement clause in a professional indemnity insurance policy	Led by Justin Williams SC (for applicant)
Private Commercial Arbitration	Before Hon Mr Wayne Martin AC KC, Hon Dr Kevin Lindgren AM KC, Dr Michael Hwang SC, reserved	Commercial arbitration regarding allegations of breach of trust and breach of contract trusts concerning ownership of mining tenements and shares in privately held company	Led by P Brereton SC, Christian Bova SC, <i>et al</i> (for defendants)
<i>Registrar of Births, Deaths and Marriages v FJG & FJH; Attorney General of New South Wales as Intervenor</i> [2022] NSWCATAP 270	NSW Civil and Administrative Tribunal, Appeal Panel Armstrong J, President, Principal Member Suthers	Application for referral of question to Supreme Court, concerning statutory construction and constitutional issues	Led by Perry Herzfeld (for intervenor)

Major Awards and Achievements

<i>Lawyers Weekly</i>	2023
30 under 30 Awards ‘Barrister’ – Finalist	
<i>NSW Young Lawyers</i>	2018
NSW Young Lawyer of the Year	
<i>University of Oxford, Bachelor of Civil Law (BCL) (Dist)</i>	2018 - 2019
First Place in ‘Commercial Remedies’ and ‘Principles of Civil Procedure’ (shared)	
<i>Philip C Jessup International Law Moot Court Competition</i>	2015
World Champion & National Champion	
<i>University of Sydney, Bachelor of Laws (LLB) (Hon I)</i>	2011 - 2015
Best Performance in Final Year of Undergraduate Law (2015)	

Publications

- Samuel Murray, ‘Experts’ in Adrian Zuckerman et al, *Zuckerman on Civil Procedure: Principles of Practice* (Sweet and Maxwell, 4th ed, 2021)
- Nicholas Condylis, Samuel Murray, and Peter Gerangelos, ‘Inherent Executive Power in Ireland – Lessons for Australia’ (2019) 6 *Journal of International and Comparative Law* 1-27
- Samuel Murray, ‘Brexit means Brexit, but what does it mean for International Trade Law?’ (Paper presented at ‘Lincoln Leads’, Lincoln College, Oxford, January 2019)
- Samuel Murray, ‘Foreign transparency scheme consistent with implied freedom - LibertyWorks Inc v Commonwealth of Australia [2021] HCA 18’ (BarNews, Winter 2021)
- Samuel Murray, *Legislation and Regulation in Australia: Children and young people with disability in primary and secondary education settings* (Research Report, Disability Royal Commission, July 2021)
- Samuel Murray, ‘The Public Interest, Representative Government and the "Legitimate Ends" of Restricting Political Speech’ (2017) 43 *Monash University Law Review* 1-34
- James Whittaker, Colin Lockhart, Timothy Bunker, and Samuel Murray ‘Australia’ in J Carter (ed), *The International Arbitration Review* (Law Business Research, 8th ed, 2017)
- Samuel Murray, ‘Liquidator's application for determination of questions regarding rights of contribution’ (2017) 235 *Corporate Law Bulletin* 6.7
- Mark Wilks, David Anthony, and Samuel Murray, ‘When is a bailment a PPS Lease under the PPSA?’ (2017) 33.10 *Australian Banking & Finance Law Bulletin*
- Samuel Murray, *Oxford Reports on International Law in Domestic Courts* (Oxford University Press): ‘The Queen v Alqudsi’ (2017); ‘Casey v Alcock’ (2014); ‘Thor Shipping A/S v The Ship ‘Al Duhail’ (2013); ‘The Queen v Disun’ (2013).