

Garth Campbell

Chambers:	5 Wentworth	Address:	Level 5, 180 Phillip Street Sydney NSW 2000
Direct Tel:	02 8066 6128	Email:	garth.campbell@5wentworth.com

A. Overview

Garth Campbell is a barrister based in Sydney.

Garth was admitted as a legal practitioner in 2004. He practiced for over 13 years as a commercial litigation solicitor prior to coming to the bar in 2017. Experienced in building and construction, general commercial, regulatory, and defamation matters, Garth is also qualified in Science, with a focus on mathematics, computer science and electrical engineering.

Garth has worked in both private practice and as an in house solicitor, and has advised and acted for a number of major corporate entities, international banks, and private clients. Garth has acted in a range of general commercial matters in all jurisdictions in NSW, and in the Federal and High Courts of Australia. Garth has also written extensively in academic legal journals.

Prior to coming to the bar, Garth worked as a quantitative analyst for a leading merchant bank, a computer programming consultant, and as the creative director of a television station in the US. Garth brings over 15 years' technical knowledge and experience to his practice as a barrister.

B. Academic Qualifications

Master of Laws – University of NSW
Bachelor of Laws - University of Sydney
BSc(Hons) - University of Sydney

C. Appointments

Garth was an editor on the panel of the Australian Construction Law Bulletin from 2012 to 2015.

D. Matter Highlights by subject:

(i) Construction

Hakea Holdings Pty Ltd -v- Denham Constructions Pty Ltd [2016] NSWSC 1120 - Successfully stayed SOPA judgment in Supreme Court of NSW and put defendant into liquidation. Leading case on the use of a stay against a defendant not in liquidation.

Reed Constructions Australia Pty Limited -v- Midcoast County Council - Managed team of 11 lawyers on Supreme Court infrastructure dispute to point where evidence had been served. Did not proceed to a final hearing.

Brookfield Multiplex Limited v Owners Corporation Strata Plan 61288 [2014] HCA 36 – acted for Brookfield at first instance on what would become the leading High Court decision on negligence in relation to latent construction defects.

C&V Engineering Pty Ltd v Hamilton & Marino Builders Pty Ltd [2020] NSWCA 103 – acted for C&V Engineering unled in the Supreme Court of NSW Court of Appeal. While unsuccessful, the Court commented favourably on my advocacy at [43].

For further information see Employment History.

(ii) Software / IT

SapphireOne Pty Ltd -v- Finite Recruitment Pty Ltd – Acted for defendant in District Court case where the claim was that a bespoke software system did not function.

Campaigntrack Pty Ltd v Real Estate Tool Box Pty Ltd – acting for applicant in Federal Court proceedings in relation to breach of copyright and contract claims. Currently before the Court.

(iii) Defamation

Traljesic -v- Yahoo!7 Pty Ltd – Acted for defendant in Supreme Court claim of defamation via incorrect photo use.

Money -v- Nationwide News Pty. Limited – Acted for plaintiff in Federal Court claim.

Muhm -v- Stevens – Acted for plaintiff in District Court action against publisher of newsletter.

ABC Legal Services – worked for national broadcaster providing pre-publication advice and in disputes with plaintiffs alleging defamation.

(iv) Regulatory

Supermarket Inquiry: responded to ACCC competition investigations on behalf of a large supermarket chain, and assisted with the gathering of evidence.

Price Fixing Investigation into an energy supply market: assisted in the defence of both civil and criminal prosecutions on behalf of a director accused of price fixing breaches of the Competition Act.

Flammable Aluminium Composite Panel Cladding Investigation: coordinated the response to an investigation by the Victorian building regulator into flammable aluminium cladding, which also had potential civil and criminal liability issues for the client.

Building Industry Investigations: represented individuals accused of various statutory breaches by the building regulator, by coordinating evidence, liaising with investigators, and assisting with witnesses.

Drugs in Sport: assisted sporting body with the response to allegations of the widespread use of recreational drugs, liaising with witnesses and the investigators.

Asbestos Discovery: Garth coordinated the response of a leading construction firm to the building regulator / WorkCover investigation into the discovery of friable asbestos on a building site in circumstances where workers had been exposed.

(v) Insurance

Acted for plaintiff in D&O claim in Supreme Court in relation to conflicting directors duties allegedly contributing to a corporate insolvency (names withheld as matter ongoing).

Acted for Mutual Policy beneficiary in relation to claims made against them for defective construction works (names withheld as matter ongoing).

E. Employment History

Barrister - 5 WENTWORTH CHAMBERS **September 2017 - present**

Special Counsel – KENNEDYS / HOLDING REDLICH **March 2016 – August 2017**

- Managed and appeared in construction law litigation matters
- Negotiated and drafted construction contracts on behalf of contractors and principals
- Construction team moved from Kennedys to Holding Redlich in March 2017

Senior Legal Counsel - LEND LEASE BUILDING **January 2013 – December 2015**

- Managed construction disputes in relation to PPPs, large institutions, Commonwealth, State and Territory Governments, Australia wide product defect issues, subcontractor and consultant disputes, and insurance claims
- Project managed teams in the process of dispute resolution, including experts, site personnel and corporate management, barristers and external legal teams
- Tendered / negotiated contracts for large scale commercial construction projects around Australia
- Assisted project teams with contract administration, legal training, Bank Guarantee issues, subcontractor and consultant disputes, insurance coverage, separable portion issues, variations, extensions of time and latent conditions, union right of entry and regulatory investigations

Special Counsel - HWL EBSWORTH LAWYERS **December 2010 – November 2012**

- Managed and appeared in construction law litigation matters
- Carriage of court litigation, mediations, and security of payment proceedings
- Drafted and advised on construction contracts and insurance
- Responded to ACCC criminal investigation of competition law breaches
- Defamation advice

Solicitor - GILBERT + TOBIN LAWYERS **February 2008 - December 2010**

- Managed and appeared in commercial litigation matters
- Matters included: construction, computer software, defamation, corporate restructure and insolvency, and responses to ACCC s. 155 notices, and general commercial advice and litigation

Solicitor - THOMSON GEER LAWYERS **February 2004 - December 2007**

- Managed and appeared in commercial litigation matters
- Matters included: construction, computer software, copyright, defamation, franchising, and general commercial advice and litigation

F. Legal Publications

"Big Choice in Rotten Apples: to pay or to rectify" (2018) 29(7&8) ACLB 70

"Lewence Construction: end of the last chance cash grab for insolvent contractors?" (2017) 29(1) ACLB 5

"Negligence of builders for latent defects that arise long after completion" (2014) 26 ACLB 134

"Agripower Australia – the end of SOP claims on mining leases?" (2013) 25 ACLB 66

"Security of Payment Act claims by insolvent contractors" (2013) 24(10) ACLB 154

"Carbon Tax price increases in construction projects" (2012) 24 ACLB 86

"Completion of residential construction work: When does the clock start ticking?" (2011) BCLJ 30.

"Quo Vadis? Towards an effective predatory pricing provision" (2009) 17 TPLJ 82

"Act Reigns in Corporate Bullying" Adelaide Advertiser 15 January 2008

"The Big Chill from Birdsville" (Nov 2007) LSJ 64

"Sovereign Immunity and Equitable Rights Against the Commonwealth" (2007) 81 ALJ 406