

# James Courtenay

Solicitor 2020

Barrister 2024

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James was called to the Bar in 2024, and accepts briefs in all areas of law.

James previously worked as a solicitor at Allens, where he maintained a broad practice working on residential and industrial construction disputes, regulatory litigation and general commercial and insurance disputes.

James also worked as a Tipstaff to Justice Hammerschlag in the Supreme Court of New South Wales, when his Honour sat as the Commercial and Technology & Construction List Judge.

## **QUALIFICATIONS**

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Bachelor of Laws, University of NSW (2018)

Bachelor of Science, University of Sydney (2015)

## **SPECIALISATIONS**

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Building and Construction

Regulatory

Commercial Law

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### BUILDING AND CONSTRUCTION

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#### *Building and Construction*

##### ***H & M Constructions (NSW) Pty Ltd v Golden Rain Development Pty Ltd (No 4) [2023] NSWSC 925***

Acting for a developer in its successful claim against a builder for ~\$24 million in liquidated damages. The dispute involved consideration of the effect of a "conditional" certificate of practical completion, and responding to estoppel, prevention and unconscionable conduct claims brought by the builder.

### COMMERCIAL DISPUTES

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##### ***Drem Pty Limited v LRL (Aust) Pty Ltd (ongoing NSWSC 2023/00458566)***

Acting for a lithium miner in a dispute concerning the construction of a royalty deed and the proper amount payable on lithium produced from tenements in Western Australia.

##### ***SunWater Limited v Liberty Mutual Insurance Company [2022] NSWCA 273***

Acting for a dam owner challenging its insurers' refusal to grant indemnity under a public liability policy, with respect to liability it incurred as a result of the 2011 Queensland floods.

### REGULATORY

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##### ***ASIC v Macquarie Bank Limited [2024] FCA 416***

Acting for Macquarie Bank in defending allegations it failed, contrary to s912A of the Corporations Act, to act efficiently, honestly and fairly as a financial services licensee with respect to its fraud controls over customer accounts.

##### ***InstantScripts Pty Ltd v Secretary, Department of Health and Aged Care (ongoing, FCA VID214/2024)***

Acting for an online health services provider in the Federal Court of Australia seeking to overturn an infringement notice issued by the TGA, alleging unlawful advertising of prescription medication in contravention of the Therapeutic Goods Act 1989.