

NICHOLAS ANDREATIDIS QC

YEAR OF CALL: 2003 | YEAR OF SILK: 2018

Having worked as both a commercial litigation solicitor at a top tier law firm and now as a barrister (combined) for over 31 years Nicholas is able to draw on a wealth of experience in diverse areas of the law to advise and litigate for his clients. This experience combined with his friendly and collaborative working style make him a popular choice for instruction by both lawyers and clients.

Prior to being appointed Queen's Counsel in 2018, Nicholas was led by 28 Silks, many of whom are now superior court judges.

Nicholas has conducted lengthy trials, including a number of lengthy e-trials in the Federal Court, the Supreme Court and Commercial Arbitration. These trials were conducted with the assistance databases used to call up documents and other electronic material in the openings, examining witnesses, tendering evidence, for use in written submissions and closing address. Nicholas champions the use of technology at the Bar and is amenable to utilising all electronic tools in order to expedite the briefing experience for the ease of his clients.

His practice is dominated by legally complex and high value work in the Supreme Court and commercial arbitration. He appears in all courts, arbitrations and commissions of inquiry as well as possessing extensive experience in mediations, as counsel and mediator.

Nicholas has a large and diverse commercial practice covering a wide range of practice areas.

In addition, Nicholas is regularly instructed in regulatory enforcement matters, primarily for authorities and regulatory bodies, as well as taking on pro bono work. Nicholas volunteers at Caxton Legal Centre and has done so for many years.

Nicholas is an elected member on the Queensland Bar Association and sits on the Queensland Bar Association's ethics sub-committee, he is also the Chair of the New Bar Committee. Nicholas also sits on the Australian Bar Association's Ethics committee. He is a director of a charity, Roses in the Oceans whose purposes include preventing suicide. He is also a director of Law Council Australia as the Queensland representative for the Bar Association of Queensland. Nicholas is also the chair of the Queensland Bar Association's New Barrister's Committee.

LEVEL

TWENTY
SEVEN

CHAMBERS



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AREAS OF PRACTICE

Appellate, Arbitration, Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Inquiries & Coronial Inquests, Insurance, Intellectual Property, Judicial Review & Administrative, Land Law & Property, Planning & Environment, Professional Discipline & Regulatory, Professional Negligence, Resources & Energy, Succession.

CASES

***Nicholson v Parole Board of Queensland* [2021] QSC 325**

December 2021, Judicial Review & Administrative

***Jason Hall t/as JHL Lawyers v Val Eco Homes Pty Ltd (in liq)* [2021] QCA 236**

November 2021, Contract

***Price v Spoor* [2021] HCA 20**

June 2021, Contract, Banking

***Mallonland Pty Ltd & Anor v Advanta Seeds Pty Ltd* [2021] QSC 74**

April 2021, Class Actions

***Auspile Pty Ltd v Bothar Boring and Tunnelling (Australia) Pty Ltd* [2021] QSC 39**

March 2021, Contract

***Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd* [2021] HCA 2**

February 2021, Resources & Energy

Paradise Dam Commission of Inquiry

April 2020, Building & Construction, Inquiries & Coronial Inquests

***Spoor & Ors v Price & Ors* [2019] QCA 297**

December 2019, Contract

***Civmec Electrical & Instrumental Pty Ltd v Southern Cross Electrical Engineering Limited & Ors* [2019] QSC 300**

December 2019, Contract

***Binaray Pty Ltd (ACN 119 724 211) as Trustee for the Allen Family Trust v RAMS Financial Group Pty Limited (ACN 105 207 538)* [2019] QSC 280**

November 2019, Banking, Corporations

Binaray Pty Ltd (ACN 119 724 211) as Trustee for the Allen Family Trust v RAMS Financial Group Pty Limited (ACN 105 207 538) [2019] QSC 280

November 2019, Judicial Review & Administrative

Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd & Ors [2019] QCA 238

November 2019, Appellate, Judicial Review & Administrative

Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd & Ors [2019] QCA 184

September 2019, Judicial Review & Administrative, Resources & Energy

Binaray Pty Ltd (ACN 119 724 211) as Trustee for the Allen Family Trust v RAMS Financial Group Pty Limited (ACN 105 207 538) [2019] QSC 165

June 2019, Banking, Contract

Spoor & Ors v Price & Ors [2019] QSC 53

April 2019, Contract

Mathiesen v Lawson & Ors [2019] QCA 35

March 2019, Contract, Competition & Consumer

Binaray Pty Ltd (ACN 119 724 211) as Trustee for the Allen Family Trust v RAMS Financial Group Pty Limited (ACN 105 207 538) [2019] QSC 33

February 2019, Contract, Corporations, Banking

Hotel Property Investments Ltd v Council of the City of Gold Coast [2019] QPEC 5

February 2019, Planning & Environment

Byerwen Coal Pty Ltd v Colinta Holdings Pty Ltd (no.2) [2018] QCA 350

December 2018, Resources & Energy, Land Law & Property, Contract

Queensland Building and Construction Commission v Crocker [2018] QCATA

December 2018, Judicial Review & Administrative

YFG Shopping Centres Pty Ltd as TTE & Trondage Enterprises Pty Ltd v Valuer-General; Shayher Alliance Pty Ltd as TTE v Valuer General; Leda Commercial Properties Pty Ltd v Valuer-General; Lipoma Pty Ltd as TTE v Valuer-General [2018] QLC 37

October 2018, Land Law & Property, Judicial Review & Administrative

Byerwen Coal Pty Ltd v Colinta Holdings Pty Ltd [2018] QLC 36

October 2018, Land Law & Property

Hyacinth Developments Pty Ltd v Scenic Rim Regional Council [2018] QSC (15/104230)

October 2018, Professional Discipline & Regulatory, Professional Negligence

Ownit Conveyancing Australia Pty Ltd v AK118 & Anor

May 2018, Land Law & Property

Bourne v Queensland Building and Construction Commission[2018] QSC 231

May 2018, Judicial Review & Administrative

Inkerman Station Pty Ltd as trustee for the Inkerman Station Trust v Allan & Ors (No 2)[2017] QSC 243

October 2017, Judicial Review & Administrative, Land Law & Property

Brisbane Airport Corporation Pty Ltd v Arup Pty Ltd[2017] QSC 232

October 2017, Building & Construction

Queensland Building & Construction Commission v Casey[2017] QCATA 100

September 2017, Appellate, Building & Construction, Professional Discipline & Regulatory

Inkerman Station Pty Ltd as trustee for the Inkerman Trust v Allen[2017] QSC 147

July 2017, Judicial Review & Administrative

D'Arro v Queensland Building & Construction Commission[2017] QCA 90

May 2017, Building & Construction, Judicial Review & Administrative, Professional Discipline & Regulatory

Lyons v Queensland Building and Construction Commission & Dreamstarter Pty Ltd (in liquidation)
[2016] QCAT 218

June 2016, Appellate, Building & Construction, Judicial Review & Administrative

D'Arro v Queensland Building and Construction Commission[2016] QCATA 76

February 2016, Appellate, Building & Construction, Judicial Review & Administrative

Grantham Floods Commission of Inquiry

October 2015, Inquiries & Coronial Inquests

Bemportato v Queensland Building and Construction Commission[2014] QCAT 464

September 2014, Corporations, Professional Discipline & Regulatory

Zappala Family Co Pty Ltd v Brisbane City Council & Ors; Brisbane City Council v Zappala Family Co Pty Ltd [2014] QCA 147

June 2014, Appellate, Planning & Environment

Agripower Australia Limited v J & D Rigging Pty Ltd[2014] HCATrans 106

May 2014, Appellate, Building & Construction

Australian Securities and Investments Commission v Managed Investments Pty Ltd (No.7)[2014] QSC 72

April 2014, Corporations

Wright and Anor v The Minister for Employment, Skills & Mining for the State of Queensland and Ors
[2014] HCATrans 18

February 2014, Judicial Review & Administrative, Resources & Energy, Appellate

White v Australian Securities and Investments Commission[2013] QCA 357

December 2013, Appellate, Corporations

Australian Securities and Investments Commission v Managed Investments Pty Ltd (No.6)[2013] QSC 280

November 2013, Corporations

Australian Securities and Investments Commission v Managed Investments Limited (No.5)[2015] QSC 313

November 2013, Corporations

Australian Securities and Investments Commission v ACN 101 634 146 Pty Ltd (in liquidation)[2013] QSC 280

October 2013, Corporations

Agripower Australia Ltd v J and D Rigging Pty Ltd and Ors[2013] QSC 164

June 2013, Building & Construction, Judicial Review & Administrative

Wright and Anor v Minister for Employment, Skills and Mining for the State of Queensland and Ors [2013] QCA 141

May 2013, Appellate, Judicial Review & Administrative, Resources & Energy

Richards v Macquarie Bank Limited (No 2)[2012] FCA 1403

December 2012, Appellate, Corporate Insolvency & Bankruptcy, Competition & Consumer

Mcllwraith v Scenic Rim Regional Council[2011] QPEC 121

September 2011, Planning & Environment

Younan v Queensland Building Services Authority[2011] QCA 1

February 2011, Appellate, Building & Construction, Corporations

Tamborine Mountain Progress Association Inc v. Scenic Rim Regional Council[2010] QCA 237

September 2010, Appellate, Planning & Environment

EXPERIENCE

An overview of recent high-profile matters Nicholas has been retained in include:

ADMINISTRATIVE LAW

Nicholas has been briefed in a number of diverse cases in administrative and public law:

> One of three QC's retained to appear for New Acland Coal in a two-and-a-half day appeal and cross-appeal in the Queensland Court of Appeal and in the pending special leave application to the High Court.

- > Judicial Review including a review of the minister's decision to renew a coal mining lease (trial; Court of Appeal; successful in opposing special leave to High Court) and review of local authority decisions to not issue permits.
- > Proceedings involving the proper construction of provisions of the *Acquisition of Land Act 1967*, and whether the construction authority was required to offer the land back to the former owner (trial; Court of Appeal; successful in opposing special leave to High Court).

ARBITRATION

Nicholas has acted in numerous commercial arbitration, both national and international:

- > Acting in a claim (seated in Tokyo) in relation to the recovery of costs and consequential losses following a directed shut down of an onshore LNG facility.
- > Acting in a multi-US dollar ICC Arbitration for a Sultanate.
- > Acting in a multi-million US dollar ICC arbitration for a global provider of technical and professional services, including engineering and construction in respect of a military base. The hearing was by way of e-trial.
- > Acting in a multi-million US dollar ICC arbitration for an international co-venture about the cost of constructing a major piece of infrastructure that involved allegations of misleading or deceptive conduct as well as alleged breaches of contract.
- > A multi-million US dollar commercial arbitration in respect of the design of significant underground infrastructure. Arbitration hearing days totalled 44. The structures in respect of which Nicholas was briefed in occupied approximately 30 days. The hearing was by way of e-trial.

BANKING & FINANCE

Nicholas has a diverse experience in matters concerning the banking and financial sectors, examples include:

- > Acting for one of the big four Australian Banks in Supreme Court proceedings defending against allegations of misleading and deceptive conduct and breach of contract.
- > Acting for one of the major home lending banks in Supreme Court proceedings defending proceedings commenced against it by a former franchisee. The hearing was by way of e-trial.
- > Lengthy ASIC pecuniary penalty proceeding conducted in the Queensland Supreme Court involving allegations of breaches of the Corporations Act 2001 (Cth) arising out of the collapse of a large managed investment scheme. The hearing totalled 60 days.
- > One of the trials involving the Storm Financial collapse. The trial was conducted in the Federal Court and involved issues about the existence and operation of an unregistered managed investment scheme, alleged breaches of contract, provisions of the *ASIC Act*, the then *Trade Practices Act 1974* (Cth) as well as unconscionable conduct. The trial totalled 49 days.

BUILDING & CONSTRUCTION

Nicholas has acted in numerous building and construction cases including:

- > Multi-million AUD Supreme Court proceedings involving the design of major infrastructure at a major airport.
- > Acting for a Queensland engineering firm in a multi-million AUD construction dispute for major infrastructure in Western Australia.
- > Acting for the contractor in a multi-million AUD claim arising out of bulk earthworks.
- > Matters generally conducted in the Supreme Court of Queensland about the construction/cost of road networks, tunnels, haul roads, railway networks and commercial and residential towers.
- > Cladding – Nicholas is retained in a number of matters involving the use of PTCs on commercial towers.
- > Please see Arbitration above for further experience examples.

COMMERCIAL LITIGATION

Nicholas' practice includes acting in a range of commercial disputes, such as:

- > Acting for international investors in respect of a dispute as to who ultimately is entitled to access in the order of USD 18 million.
- > Acting for major organisations, including Coles and the Port of Brisbane, to protect confidential business records as well as commercial and in confidence business documents.
- > Acting for a national rail carrier in numerous Supreme Court proceedings arising out of derailments.
- > Acting for an international power company in a multi-million AUD dispute in respect of meaning and affect of a long-term power supply agreement.

COMMISSIONS OF INQUIRY AND INQUESTS

The versatile and broad nature of Nicholas' experience includes appearing in Commission of Inquiries and Inquests. His experience includes:

- > Appearing for a respite care provider at the *Royal Commission into Abuse, Neglect and Exploitation of People with Disability*.
- > Appearing for GHD in the Paradise Dam Commission of Inquiry.
- > Appearing for a national broadcaster in a Coronial Inquest investigating police shootings that occurred in Queensland. The national broadcaster was given leave to appear because the issues include matters concerning

the presence of media helicopters at one of the shootings.

> Representing the Wagner interests in the 2015 Grantham Floods Commission of Inquiry.

ENERGY & RESOURCES

Nicholas undertakes work in the energy and resources sector. Recent examples of this work in this area include:

> One of three QC's retained to appear for New Acland Coal in a two-and-a-half day appeal and cross-appeal in the Queensland Court of Appeal.

> Acting for major international mining companies challenging jurisdiction of the Land Court in the context of a challenged referral for compensation.

> Acting for BHP and its co-venture partners in relation to a contested application to expand a major coal mine.

> Appearing in the Supreme Court, Queensland Court of Appeal and the High Court (successfully resisting special leave) for the tenement holder in a decision concerning the judicial review of a decision to grant the renewal of a mining lease.

LAND COURT

Nicholas has appeared in a number of matters in the Land Court, including:

> Acting for a mining company in the re-opening of a mining lease compensation hearing. Leave to reopen was given following the resumption of part of the subject land.

> Acting for major international mining companies challenging jurisdiction of the Land Court in the context of a challenged referral for compensation.

> Acting for BHP and its co-venture partners in relation to a contested application to expand a major coal mine.

PLANNING & ENVIRONMENT COURT

Nicholas has appeared in a number of appeals and declaratory proceedings in the Planning & Environment Court, including:

> Acting for the DES in an appeal challenging a decision to issue an Environmental Protection Order.

> Advising the holder of various EPAs about scope of the authorities and whether or not there had been a breach and whether development permits are required.

> Acting for developers in an appeal concerning questions of whether there was material conflict with the scheme and whether "relevant matters" justify approval.

> Advising the State in relation to the extent of powers to direct things to be done in respect of a heritage listed

site.

> Acting for Logan City Council in a conditions appeal for a development site.

PROFESSIONAL NEGLIGENCE

> Acting for the defendant engineering firm in a AUD 160 million claim about the adequacy of the design of an aspect of an international airport (ongoing).

> Acting for one of a number of law firm defendants in proceedings where the subject matter of the proceedings is a deceased estate worth hundreds of millions of dollars (ongoing).

> Acting for a local government, being one of numerous defendants. The claim seeks tens of millions of dollars in damages arising out of approvals for a development of land (ongoing).

SUCCESSION

Nicholas is consulted and appears in cases in the area of succession law. Examples of previous matters include:

> Acting for one of a number of beneficiaries where the issue was whether there was a binding mutual will.

> Acting for executors where the question was whether adequate provision had been made for an adult child, residing in a nursing home following a serious motor vehicle accident, who, prior to the accident was abusive to her children, had abandoned her children to the care of the deceased and a drug addict and where provision had been made for that adult child's children. The adult child had received a large compensation payment following the motor vehicle accident.

> Acting for executors where the estranged adult son claimed adequate provision had not been made for him by his parents.

RECOMMENDATIONS

The Legal 500 Asia Pacific – Construction

- 2022 – *“He is extraordinarily easy to engage with, is collaborative and has a very broad range of skills both from an administrative law viewpoint and a broader commercial law viewpoint. Both his written and oral skills are excellent.”*
- 2021 – *“Provides robust, correct legal advice and always works through strategy and case theory for the client. He has been described as the nicest QC that has ever existed and it is hard to disagree with this notion.”*

Doyle's Guide to the Australian Legal Profession – Commercial Litigation & Disputes Barristers

- 2020-22 Commercial Litigation & Disputes Barristers (Queensland) – Recommended Senior Counsel
- 2018 Commercial Litigation & Disputes Barristers (Queensland) – Recommended Junior Counsel

- 2017 Commercial Litigation & Disputes Barristers (Queensland) – Leading Junior Counsel
- 2016 Commercial Litigation & Disputes Barristers (Queensland) – Leading Junior Counsel

Doyle's Guide to the Australian Legal Profession – Construction & Infrastructure Barristers

- 2022 Construction & Infrastructure Barristers (Queensland) – Recommended Senior Counsel
- 2020 Construction & Infrastructure Barristers (Queensland) – Leading Senior Counsel
- 2019 Construction & Infrastructure Barristers (Queensland) – Recommended Senior Counsel
- 2018 Construction & Infrastructure Barristers (Queensland) – Leading Junior Counsel
- 2017 Construction & Infrastructure Barristers (National) – Recommended Junior Counsel
- 2017 Construction & Infrastructure Barristers (Queensland) – Leading Junior Counsel
- 2015 Construction & Infrastructure Barristers (Queensland) – Recommended Junior Counsel

Doyle's Guide to the Australian Legal Profession – Construction

- 2022 Insolvency & Restructuring Barristers (Queensland) – Recommended Senior Counsel

The Australian Financial Review's *Best Lawyers*®

- 2021-23 recognised in Alternative Dispute Resolution, Litigation and Planning & Environmental Law

APPOINTMENTS

2012 - present Board, Roses in the Ocean "Stemming the tide of suicide"

2015 - present Representative on the Queensland Bar Ethics Committee

2015 - 2022 Representative on the Queensland Bar, Bar Care Committee

2015 - present Queensland Bar representative on a working group identifying opportunities to promote e-trials and facilitate sharing more information electronically in criminal matters

2016 - present Member of the Queensland Bar Association's Professional Conduct Committee

2017 - present Elected to the council of the Queensland Bar Association

2017 - present Member of the Federal Court legal technology sub-committee of the Law Council of Australia. The sub-committee was formed to develop a nation-wide guideline for discovery from collection of documents from the client through to e-trials

2018 - 2020 President of the Queensland Chapter of the Hellenic Australian Lawyers Association

2019-present Australian Bar Association Ethics Committee

2019-present Queensland Bar Association New Bar Committee Chair

2020-present Bar Association of Queensland's appointed Director of the Law Council of Australia

Late 2021 to present Director of Law Council of Australia as the Queensland representative for the Bar Association of Queensland

MEMBER

Bar Association of Queensland

Society of Construction Law (SoCLA)

LawRight

CAREER

2003 Barrister

1991-2003 Solicitor - Nicholas undertook a bachelor of law degree on a part-time basis at QUT. He undertook 5 year articles of clerkship whilst studying law. Nicholas completed his degree in 1991 and was admitted as a solicitor in December 1991. As a solicitor, Nicholas worked and gained experience in a small Brisbane CBD firm; a regional law firm in New South Wales and a mid-tier Brisbane firm. He joined a national law firm where he worked as a commercial litigator for about 8 years before coming to the bar in 2003.

EDUCATION

LLB

PUBLICATIONS

Privilege in International Arbitration: Procedure and Pitfalls

November 2021, Arbitration, International

Docs, eTrials & Practice Directions

November 2021, Building & Construction, Commercial Equity, Contract, Corporate Insolvency & Bankruptcy, Corporations, Human Rights & Discrimination, Insurance, Native Title & Cultural Heritage, Professional Negligence, Resources & Energy, Succession, Tax

High Court affirms parties can effectively contract out of some statutory limitation periods

July 2021, Contract, Banking

Legal Technology: lessons learned from the pandemic and strategies for the future

July 2021

First decision under class action regime in QLD - guidance to manufacturers and producers on duty of care and product information disclosure

May 2021, Class Actions

Commissions of Inquiry: and In-House Counsel Perspective

October 2020, Inquiries & Coronial Inquests

Coronial Inquests and the Coroners Act 2003 (Qld)

September 2020, Inquiries & Coronial Inquests

Managing Class Action Disputes - Class Definition

July 2020, Class Actions

Commissions of Inquiries and Coronial Inquests - perspectives from the bench and each side of the Bar Table

July 2020, Inquiries & Coronial Inquests

Trouble in Paradise: Protecting Privilege After Glencore

October 2019, Commercial Equity, Judicial Review & Administrative

Raising the bar for businesses: the ACL's reach in business negotiations and brand protection

October 2018, Competition & Consumer, Corporations, Contract

Liability limited by a scheme approved under professional standards legislation