

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 28 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 is an elected member on the Queensland Bar Association and sits on the Queensland Bar Association's ethics and Bar care sub-committees. 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. Nicholas is the President of the Queensland Chapter of the Hellenic Lawyers Association. He is also a barrister representative on a Law Council of Australia working group in relation to opportunities to better promote the use of e-trials and facilitate the sharing of more information through electronic means. 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

***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, Judicial Review & Administrative

***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, Judicial Review & Administrative

***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, Judicial Review & Administrative

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, Judicial Review & Administrative

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.
- > Acting for the Queensland Building and Construction Commission in a number of Judicial Review proceedings in the Supreme Court.
- > Acting for major international mining companies challenging jurisdiction of the Land Court in the context of a challenged referral compensation.
- > Acting for one of Australia's largest grazier families in Judicial Reviews proceeding in the Supreme Court.
- > Challenges to decisions of the Queensland Building and Construction Commission (acting for the Commission and generally on appeal).
- > 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 multi-million US dollar ICC arbitration for a global provider of technical and professional services, including engineering and construction. 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.

> A multi-million US dollar international arbitration involving the design and construction of an oil refinery.

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.

> Acting in a multi-million US dollar ICC arbitration for a global provider of technical and professional services, including engineering and construction.

> Acting in a multi-million US dollar ICC arbitration for a global provider of technical and professional services, including engineering and construction. 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.

> A multi-million US dollar international arbitration involving the design and construction of an oil refinery.

> 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.

> Disputes in the Supreme Court of Queensland involving the proper construction of the *Building and Construction Industry Payment Act 2004* (Qld).

COMMERCIAL LITIGATION

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

> Acting for a global independent energy products and industrial material supply chain manager in a dispute involving a USD 10 million supply contract.

> 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 the Port of Brisbane to resist and attempt to obtain, by subpoena, production of commercial in confidence business records.

> Acting for Coles to resist an attempt to obtain, by non-party disclosure, commercial in confidence business records.

> Acting for a national rail carrier in numerous Supreme Court proceedings arising out of derailments.

> Supreme Court proceedings against local authorities arising out of developments approved by the authorities.

> Proceedings seeking declarations that certain business assets are held on trust flowing from alleged breach of fiduciary obligations.

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 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 Flood 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 developer whose development site was compulsorily acquired.

> 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 Coles to resist an attempt to obtain, by non-party disclosure, commercial in confidence business records.

> 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).

> Acting for one of a number of law firm defendants being sued following a real property fraud as a consequence of which a company, controlled by the fraudsters, became the registered proprietor of a AUD 7 million residence and obtained in the order of AUD 3 million from a loan secured over the property.

> Acting for one of a number of law firm defendants arising from a real property fraud as a consequence of which fraudsters managed to obtain a AUD 1.8 million loan secured over real property owned by an innocent third party. The matter settled.

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.

> Acting for executors where a person alleged an equitable agreement had been made between that person and the deceased in respect of certain real estate and that as a consequence, a constructive trust existed in relation to that property.

RECOMMENDATIONS

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

- 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

- 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

APPOINTMENTS

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

2015 - present Representative on the Queensland Bar Ethics Committee

2015 - present 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 - present President of the Queensland Chapter of the Hellenic Australian Lawyers Association

2019 Australian Bar Association Ethics Committee

MEMBER

Bar Association of Queensland

Society of Construction Law (SoCLA)

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

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