

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. 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.

AREAS OF PRACTICE

LEVEL

TWENTY
SEVEN

CHAMBERS



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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] 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

Yunan 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

Nicholas has been retained in a wide variety of matters, including:

- › Acting for a global independent energy products and industrial material supply chain manager in a dispute involving a US\$10 million supply contract (2019).
- › Acting for international investors in respect of a dispute as to who, ultimately is entitled to access in the order of \$USD18 million (2019).
- › Acting for a Queensland Engineering firm in a multi-million dollar construction dispute for major infrastructure in Western Australia (2019).
- › Acting for contractor in a multi-million claim arising out of bulk earthworks (2019).
- › One of three Queen's Counsel retained to appear for New Acland Coal in a two and a half day appeal and cross-

appeal in the Queensland Court of Appeal (2018/2019).

- › Acting for an ASX listed property company in an appeal in the Planning and Environment Court (2019).
- › Supreme Court proceedings involving the design of major infrastructure at a major airport (2017/2018/2019).
- › Acting for global provider of technical and professional services, including engineering and construction in a commercial arbitration (2019).
- › Acting for major international mining companies challenging jurisdiction of the Land Court in the context of a challenged referral for compensation (2018).
- › Acting for Port of Brisbane to resist an attempt to obtain, by subpoena, production of commercial in confidence business records (2018).
- › Acting for Coles to resist an attempt to obtain, by non-party disclosure, commercial in confidence business records (2018).
- › Acting for an international co-venture in a commercial arbitration about the cost of constructing a major piece of infrastructure that involves allegations of misleading or deceptive conduct as well as alleged breaches of contract (2018).
- › Acting for BHP and its co-venture partners in relation to a contested application to expand a major coal mine (2017/2018).
- › Supreme Court proceedings involving the design of major infrastructure at a major airport (2017/2018).
- › Acting for a national rail carrier in a number of proceedings Supreme Court proceedings arising out of a number of derailments (2016 to 2018).
- › Acting for one of the Australian big four Australian Banks in Supreme Court proceedings against it involving allegations of misleading and deceptive conduct and breach of contract (2017/2018/2019).
- › Acting for one of the major home lending banks in Supreme Court proceedings defending proceedings commenced against it by a former franchisee (2017/2018).
- › Supreme Court proceedings against local authorities arising out of developments approved by the authorities (2016/2017/2018).
- › Acting for one of Australia's largest grazier families in judicial Reviews Proceeding (2017).
- › Challenges to decisions of the Queensland Building and Construction Commission (acting for the Commission and generally on appeal).

- › Appearing for a national broadcaster in a Coronial Inquest investigating a number of 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 (2015/2016).
- › Representing the Wagner interests in the 2015 Grantham Flood Inquiry. The hearing of the Inquiry was conducted with the assistance of a database used to call up documents and other electronic material in the openings, examining witnesses, tendering evidence, for use in written submissions and closing address.
- › A lengthy commercial arbitration that ran in 2014 and 2015 in respect of the design of significant underground infrastructure. The total number of hearing days for the arbitration was 44 days. The structures in respect of which Nicholas was briefed in occupied approximately 30 days. The hearing was conducted with the assistance of a database used to call up documents and other electronic material in the openings, examining witnesses, tendering evidence, for use in written submissions and closing address.
- › A lengthy ASIC pecuniary penalty proceeding that commenced in 2013 and concluded in 2014 conducted in the Queensland Supreme Court that involved various allegations of breaches of the *Corporations Act* 2001 (Cth) arising out of the collapse of a large managed investment scheme. The total number of hearing days for the trial was 60 days. The hearing was conducted with the assistance of a database used to call up documents and other electronic material in the openings, examining witnesses, tendering evidence, for use in written submissions and closing address.
- › One of the trials involving the Storm Financial collapse. The trial was conducted in the Federal Court in 2012 and 2013 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 total number of trial days was 49. The proceeding successfully settled shortly after closing addresses. The hearing was conducted with the assistance of a database used to call up documents and other electronic material in the openings, examining witnesses, tendering evidence, for use in written submissions and closing address.
- › An international arbitration involving the construction of an Oil Refinery.
- › Disputes in the Supreme Court of Queensland involving the proper construction of the *Building and Construction Industry Payment* 2004 (Qld).
- › 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.
- › Judicial Reviews Proceeding 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).
- › A number of appeals and declaratory proceedings in the Planning and Environment Court.

- › Proceedings seeking declarations that certain business assets are held on trust flowing from alleged breach of fiduciary obligations.
- › Freezing and recovering assets for an investor involved in the Opus Prime collapse.

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

- 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

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

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