

# NICHOLAS OWENS SC

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## CAREER:

- 2016: Appointed Senior Counsel.
- 2004: Barrister, New South Wales Bar, Sydney.
- 2001-2003: Associate, Sullivan & Cromwell, New York.
- 2000: Speechwriter, the Hon. Sir William Deane, A.C. K.B.E., Governor-General of the Commonwealth of Australia, Canberra.
- 1999: Associate, the Hon. A.M. Gleeson, A.C., Chief Justice of Australia, Canberra.

## ADMISSIONS:

- 2004: High Court of Australia.
- 2003: Supreme Courts of New South Wales and the Australian Capital Territory.
- 2002: New York.

## EDUCATION:

- 2001: LL.M., Harvard Law School.  
*The Addison Brown Prize; The Joseph H. Beale Prize.*
- 1999: LL.B. (Hons), The University of Adelaide.  
*The Stow Medal and Title of Stow Scholar; The University Medal; The Angus Parsons Prize; The Thompson Playford Prize and Medal; The John Bray Alumni Association Prize; The Law Society Centenary Prize; The R.W. Bennett Prize; The Frederick Penoyre Adams Prize; The Bar Association Prize for Evidence; The Butterworths Prize for Restitution; The Butterworths Prize for Criminal Law; The Roy Frisby Smith Prize for Associations; The Butterworths Prize for Trusts; The Butterworths Prize for Civil Procedure; The Paul Garson Prize for Property; The Butterworths Prize for Torts; The Butterworths Prize for Contract.*
- 1997: B.A., The University of Adelaide.  
*The Sir Archibald Strong Memorial Prize for Literature.*

## PRACTICE:

Nicholas has a significant appellate practice, dealing with novel and complex issues across all areas of law. He regularly appears in intermediate appellate courts, and has appeared in many significant matters in the High Court of Australia, including:

- *Air New Zealand v ACCC* (2017) 262 CLR 207
- *Amaca Pty Ltd v Ellis* (2010) 240 CLR 111
- *Amaca Pty Ltd v Booth* (2011) 246 CLR 36
- *Aon Risk Services Australia Ltd v Australian National University* (2009) 239 CLR 175
- *Assistant Commissioner Condon v Pompano Pty Ltd* (2013) 252 CLR 38
- *Australian Securities and Investments Commission v Hellicar* (2012) 247 CLR 345
- *Attwells v Jackson Lalic Lawyers Pty Ltd* (2016) 259 CLR 1
- *Betfair Pty Ltd v Racing NSW* (2012) 249 CLR 217
- *Coventry v Charter Pacific Corporation Ltd* (2005) 227 CLR 234
- *Day v Australian Electoral Officer (SA)* (2016) 261 CLR 1
- *Firebird Global Master Fund II Ltd v Republic of Nauru* (2015) 258 CLR 31
- *JT International SA v Commonwealth* (2012) 250 CLR 1
- *Miller v Miller* (2011) 242 CLR 446
- *Murphy v Electoral Commissioner* (2016) 261 CLR 28
- *New South Wales v Commonwealth (Workplace Relations Act Case)* (2006) 229 CLR 1
- *RP v The Queen* (2016) 259 CLR 641
- *Shafron v ASIC* (2012) 247 CLR 465
- *Smits v Roach* (2006) 227 CLR 423
- *Sportsbet Pty Ltd v State of NSW* (2012) 249 CLR 298
- *Sydney Water Corporation v Turano* (2009) 239 CLR 51
- *SZATV v Minister for Immigration and Citizenship* (2007) 233 CLR 18
- *SZFDV v Minister for Immigration and Citizenship* (2007) 233 CLR 51
- *Ueese v Minister for Immigration and Border Protection* (2015) 256 CLR 203
- *Unions NSW v State of New South Wales* (2013) 252 CLR 530
- *Unions NSW v State of New South Wales* [2019] HCA 1
- *Visscher v The Honourable President Justice Giudice* (2009) 239 CLR 361
- *Westfield Management Ltd v Perpetual Trustee Company Ltd* (2007) 233 CLR 528
- *Williams v Commonwealth (No 2)* (2014) 252 CLR 416

Nicholas also has an extensive trial and advisory practice.

He is regularly briefed in major, complex, litigation including:

- Regulatory enforcement proceedings, for example:
  - *ACCC v Air New Zealand* (Air Cargo Cartel)
  - *ACCC v Cascade Coal* (Coal License Bid-Rigging)
  - *APRA v Kelaher* (IOOF Superannuation)
  - *ASIC v Macdonald* (James Hardie Asbestos Restructuring)
  - *NSW Liquor & Gaming Authority* complaints against various poker machine operators.
- Representative proceedings, for example:
  - *Alford v AMP Superannuation* (Superannuation Fees)
  - *CJMcG v RCR Tomlinson* (Share-market Non-Disclosure)
  - *Colagrossi v Transport for NSW* (Light Rail Nuisance)
  - *De Brett Seafood v Qantas Airways* (Air Cargo Cartel)
  - *Hopkins v AECOM Australia* (Brisbane Toll-Road Investments)
  - *Jenkings v Northern Territory* (Children in Custody)
  - *Leonie's Travel v Qantas Airways* (Travel Agent Fuel Surcharges)
  - *Opal Tower* (Apartment Building Structural Defects)
  - *Rodriguez & Sons v Queensland Bulk Water Supply Authority* (2011 Brisbane Floods)
  - *Strata Plan 87231 v 3A Composites* (Flammable Cladding)
- Major commercial litigation, for example:
  - *AMP Capital v Parsons Brinkerhoff* (Lane Cove Tunnel Toll-Road)
  - *Forge Group v Hutchinson* (Corporate Restructure and Collapse)
  - *Rivercity Motorway Finance v AECOM Australia* (Brisbane Toll-Road)
- Significant public law challenges, for example challenges to:
  - NSW's electoral funding and spending laws;
  - Commonwealth's "robodebt" system;
  - University of Wollongong's approval of its Ramsay Centre-linked "Bachelor of Western Civilization" program;
  - Airservices Australia's failure to remediate PFAS pollution at Canberra Airport;
  - Therapeutic Goods Administration decision-making in relation to "e-cigarettes".

He also has extensive experience in regulatory investigations and compliance, competition law, complex insurance disputes, complex professional negligence issues, professional conduct, and schemes of arrangement (both under the *Corporations Act* and the *Insurance Act*).

He is the author of several academic works, including, most recently, the "Judicature" chapter in Saunders and Stone (eds.), *The Oxford Handbook of the Australian Constitution* (2018, Oxford University Press).