

N E FURLAN

Barrister

PG Hely Chambers

Level 9, 75 Elizabeth Street

Sydney NSW 2000

P + 61 2 9224 9799

F + 61 2 9224 9711

E: furlan@pghelychambers.com.au

Nick has a broad commercial practice, and is briefed to appear, and advise, in a wide range of disputes.

He has significant experience in property disputes (including commercial and retail leasing matters); trade practices and consumer protection claims (including misleading and deceptive conduct and unconscionable conduct claims); and employment related disputes (especially restraint of trade matters, disputes relating to the protection of confidential information and statutory adverse action claims).

Nick has a particular interest in contract law, equity and property law.

Nick acts for a range of clients across diverse industries including manufacturing and mining, telecommunications, media and entertainment and commercial property. He appears for ASX listed companies, private equity clients, smaller businesses and individuals. He has acted in a number of large, complex and long running disputes.

Nick regularly appears unled in the Supreme Court of New South Wales (including the Commercial List, Corporations List and Real Property List) and the Federal Court of Australia. He is briefed to conduct appellate work (unled and led).

Nick is briefed to advise in relation to a wide range of commercial, property and employment matters.

ADMISSIONS

2007	Admitted to the NSW Bar
2001	Admitted as a Solicitor of the Supreme Court of NSW

QUALIFICATIONS

2006	Equal overall highest result in NSW Bar exams (May intake)
2001	Bachelor of Laws, Honours (First Class): University of Sydney, Prizes in Law
1999	Bachelor of Commerce: University of Sydney

PROFESSIONAL EXPERIENCE

2019	Barrister, PG Hely Chambers
2015 - 2019	Barrister, Tenth Floor Chambers
2007 - 2015	Barrister, Ninth Floor Selborne Chambers
2006 - 2007	Solicitor, Baker & McKenzie

2005 - 2006	Tipstaff / Researcher to Palmer J (Equity Division, Supreme Court of NSW) and Hunt AJA (NSW Court of Appeal)
2003 - 2005	Senior Associate, Harmers Workplace Lawyers
2001 - 2003	Solicitor, Freehills

PRINCIPAL AREAS OF PRACTICE

Commercial	Equity & Property
Employment	Trade Practices & Consumer protection
Contracts	Intellectual property
Corporations	Restraint of trade

SELECT DECISIONS

- *Misthold Pty Ltd v NSW Historic Sites and Railway Heritage Company Pty Ltd (No 2)* [2022] NSWSC 561 (commercial leasing, misleading or deceptive conduct, unconscionable conduct, estoppel; led by M Walton SC)
- *Auken Animal Husbandry Pty Ltd v 3rd Solution Investment Pty Ltd* [2022] FCA 294 (commercial leasing, misleading or deceptive conduct; led by M Pesman SC)
- *Jin Lian Group Pty Ltd (in liq) v ACapital Finance Pty Ltd* [2021] NSWSC 931 (contracts, penalties doctrine and illegality, restrictive trade practices (exclusive dealing); unled)
- *In the matter of Canberra Babington Pty Ltd* [2021] NSWSC 552 (shareholder oppression; led by M Henry SC)
- *Kabbara & Ors v Australian National Sports Club Incorporated* [2021] NSWSC 738 (incorporated associations; construction of club constitution, denial of natural justice; unled)
- *Wei & Fei Wu Family Investment Holding Pty Ltd v City Garden Australia Pty Ltd* [2020] NSWSC 1796 (summary judgment, contract, loan agreement; unled)
- *Findex Group Limited v McKay* [2020] FCAFC 182 (appeal, restraint of trade; led by I Neil SC)
- *Kabbara & Ors v Australian National Sports Club Incorporated* [2020] NSWSC 497 (contract, incorporated associations, expulsion of members of club, natural justice; unled)
- *Findex Australia Pty Limited v McKay* [2019] FCA 335 (restraint of trade, sale of business, contract, estoppel; led by I Neil SC)
- *Rema Tip Top Asia Pacific Pty Ltd v Gruterich* [2019] NSWSC 1594 (employment, fiduciary duties, constructive trust, employee fraud, restitution; leading J Lee)
- *Wilh. Wilhelmsen Investments Pty Ltd v SSS Holdings Pty Ltd* [2019] NSWCA 32; 285 IR 390 (appeal, agency law, ostensible authority, employee fraud; unled)
- *Carr v ILSC (Brisbane) Pty Ltd* [2019] FCCA 456 (employment, general protections: adverse action; unled)
- *Homart Pharmaceuticals Pty Ltd v Careline Australia Pty Ltd* [2018] FCAFC 105; 264 FCR 422 (consumer protection, passing off deceptively similar product packaging; led by D Studdy SC)

- *Tamanna v Zattere* [\[2017\] NSWSC 1388](#); 18 BPR 37,139 (real property, subdivision development, breach of obligation to use best/reasonable endeavours to complete development before sunset date; led by J Kelly SC)
- *Fair Work Ombudsman v NSH North Pty Ltd* (t/as New Shanghai Charlestown) [\[2017\] FCA 1301](#); 275 IR 148 (*Fair Work Act*, underpayment, civil penalties; unled)
- *The NTF Group Pty Ltd v PA Putney Finance Australia Pty Ltd* [\[2017\] NSWSC 1194](#), 324 FLR 261 (jurisdiction of District Court, unconscionable conduct, rental agreements; unled)
- *Putland v Royans Wagga Pty Ltd* [\[2017\] FCA 910](#) (employment, proper characterisation of relationship as employment or principal and contractor, sham contracting, underpayment; unled)
- *Homart Pharmaceuticals Pty Ltd v Careline Australia Pty Ltd* [\[2017\] FCA 403](#); 349 ALR 598; 126 IPR 498 (consumer protection, passing off, deceptively similar product packaging; unled)
- *Transport Workers Union (NSW) v Star Track Express Pty Ltd* [\[2017\] NSWIRComm 1017](#) (employment, contract of carriage, termination; unled)
- *Hardcastle v Mitch Enterprises Pty Ltd* [\[2016\] FCA 1569](#) (misleading and deceptive conduct, unconscionable conduct in employment relationship; unled)
- *Renshaw v Queensland Mining Corporation Ltd (No 2)* [\[2016\] FCA 1482](#) (appeal, bankruptcy, sequestration order; unled)
- *Queensland Mining Corporation Ltd v Butmall Pty Ltd* [\[2016\] FCA 16](#) (insolvency, application to remove liquidator on grounds of conflict; unled)
- *Unilever Australia Ltd v Revlon Australia Pty Ltd (No 2)* [\[2014\] FCA 875](#) (consumer protection, passing off, deceptively similar product packaging; led by R Cobden SC)
- *UGL Rail Services Pty Ltd v Janik* [\[2014\] NSWCA 436](#); 246 IR 320 (employment, breach of contract, redundancy, executive share option scheme; led by M Kimber SC)
- *Renshaw v Queensland Mining Corporation Ltd* [\[2014\] FCAFC 172](#); 229 FCR 56; 103 ACSR 358 (corporations, director remuneration and retirement benefits, membership approval; led by T Thawley SC)
- *Hudson Investment Group Ltd v Atanaskovic* [\[2014\] NSWCA 255](#); 311 ALR 290 (professional negligence, solicitors, drafting of commercial deed; led by N Hutley SC)
- *Flo Rida v Mothership Music Pty Ltd* [\[2013\] NSWCA 268](#) (private international law, jurisdiction of District Court over persons outside Australia, service of process by Facebook; unled)
- *Informax International Pty Ltd v Clarius Group Ltd (No 2)* [\[2012\] FCAFC 165](#); 207 FCR 298; 231 IR 422; 294 ALR 691 (independent contractors, unfair contract terms, statutory interpretation; led by M Kimber SC)
- *Pearson v HRX Holdings Pty Ltd* [\[2012\] FCAFC 111](#); 205 FCR 187; 220 IR 369; 293 ALR 554 (restraint of trade, employment; led by H Dixon SC)
- *Barescape Pty Ltd v Bacchus Holdings Pty Ltd (No 9)* [\[2012\] NSWSC 984](#) (partnership, fiduciary duties, lost opportunity damages; led by J Kelly SC and A Henskens SC)
- *Carr v Resource Equities Ltd* [\[2010\] NSWCA 286](#); 275 ALR 366; 80 ACSR 247 (corporations, directors duties, contribution in equity; led by D Studdy SC)

- *Stewart v Ronalds* [\[2009\] NSWCA 277](#); 76 NSWLR 99 (public law, tort, dismissal of Minister of the Crown by NSW Premier, investigation of misconduct allegations; led by J Kelly SC)
- *Keramianakis v Regional Publishers Pty Ltd* [\[2007\] NSWCA 375](#); 70 NSWLR 395 (jurisdiction of District Court, defamation; led by A Henskens SC).