



NICHOLAS BENTLEY

MSc in Law and Finance - University of Oxford
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Clerk of Chambers

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Admitted to the legal profession

2016

Admitted as a barrister in NSW

2018

Also entitled to practise in

Australian jurisdictions (Commonwealth,
State and Territory)

Nicholas has a broad commercial and public law practice. He is regularly briefed in class actions, with his expertise also extending to a range of private law claims, including disputes concerning commercial contracts, unjust enrichment, professional and medical negligence and intentional torts.

As a solicitor, Nicholas worked at Freshfields Bruckhaus Deringer LLP in International Arbitration and at King & Wood Mallesons and HWL Ebsworth in commercial litigation. In 2014 Nicholas was Tipstaff to the Honourable Justice David Davies in the Supreme Court of New South Wales.

Nicholas studied law and business at the University of Technology Sydney (UTS) and also holds a MSc in Law and Finance (MLF) from the University of Oxford. While at Oxford, Nicholas was Editor of the Oxford University Commonwealth Law Journal and a Mini-pupil at Blackstone Chambers, Fountain Court Chambers, One Essex Court and 3 Verulam Buildings in London.

Nicholas is the Editor of the Wolters Kluwer Australian Company Law Commentary. He has also taught corporate law and evidence at UTS, evidence at UNSW and is an adjunct lecturer at the University of Notre Dame Law School.

ACADEMIC EXPERIENCE

2020 – present: Editor, Australian Company Law Commentary (CCH), Wolters Kluwer

2019 – present: Adjunct Lecturer, University of Notre Dame Australia Law School

2020 – 2023: Author, Australian Corporation Practice, LexisNexis

2021 – 2022: Teaching Fellow teaching evidence, UNSW Law Faculty

2018 – 2022: Casual Academic teaching evidence and corporate law, UTS Law Faculty

2018 – 2020: Case Noter, Butterworths Corporations Law Bulletin (BCLB), LexisNexis

2016 – 2017: Editor, Oxford University Commonwealth Law Journal (OUCLJ)

2015 – 2016: Research Associate, UTS Business School

SELECT PUBLICATIONS

N Bentley, **‘Moubarak by his tutor Coorey v Holt: The Court of Appeal permanently stays proceedings seeking damages for alleged historical child abuse’** (2019) (Winter) Bar News 18

N Bentley, **‘The High Court again considers the admission of tendency evidence’** (2019) (Autumn) Bar News 24

N Bentley, **‘The Queen v Bauer: an attempt to clarify the law surrounding the admission of tendency evidence’** (2018) (Summer) Bar News 66

N Bentley, **‘Producing Leisured Laborers: Developing Higher Education Courses for the Digital Creative Industries’** (2017) 47(2) The Journal of Arts Management, Law, and Society 148

N Bentley, **‘War on two fronts: Does the public and private enforcement of Australia’s corporate disclosure laws need to be harmonised?’** (2016) 34 Company and Securities Law Journal 567

N Bentley, **‘Contracts for the Sale of Land – When does a deposit paid via instalments constitute a penalty?’** (2016) 25 Australian Property Law Journal 40

N Bentley and G Lewis, **‘The quantification of loss for negligent financial planning advice: a case note on Westpac Banking Corporation v Jamieson [2015] QCA 50’** (2015) Banking & Finance Dispute Resolution Quarterly, 2nd Ed

S Ivantsoff and N Bentley, **‘Admissibility of covertly obtained audio recordings in commercial litigation’** (2014) 28(1) Commercial Law Quarterly 18

PROFESSIONAL MEMBERSHIPS

2018 – present: Member of the New South Wales Bar Association (NSWBA)

2022 – present: Member of the NSWBA Bar News Committee

2022 – 2023: Co-Chair of the NSWBA New Barristers' Committee

2020 – 2023: Member of the NSWBA New Barristers' Committee

2021 – 2022: Secretary of the NSWBA New Barristers' Committee

SELECTED CASES

As Counsel

Amy Rickhuss v The Cosmetic Institute Pty Ltd – acting for nine defendant doctors in Supreme Court of NSW medical negligence class action (led by A J McInerny SC, instructed by HWL Ebsworth)

Belconnen Lakeview Pty Ltd v Lloyd (No 2) [2021] FCAFC 218 – acted for the first respondent in the class action with respect to costs orders to be made arising from dismissal of the lead applicant's claim (led by A J McInerny SC, instructed by HWL Ebsworth)

Kularathne v Honda Australia Pty Ltd & Ors (2021) – acted for a group member and her three children in a heavily contested application agitating for the common questions in the Class Action to include determination of issue affecting the individual proceedings of the group member, and her three children, which resolved at mediation (led by A J McInerny SC, instructed by Law Partners)

Prygodicz v Commonwealth of Australia (2020) – acted for the Commonwealth in the 'Robodebt' class action involving claims in restitution and negligence (led by M Hodge QC, Z Maud and M Costello, instructed by Australian Government Solicitor)

Akierman Holdings Pty Ltd v Akerman (No 2) (2020) 147 ACSR 63; [2020] NSWSC 970 – acted for defendant with respect to quantum only, which involved complex issues concerning the law of unjust enrichment (led by M Condon SC, instructed by Holman Webb)

JMW1 v Salvation Army (NSW) Property Trust [2020] NSWSC 1682 – acted for defendant in successful dismissal of proceedings where a Deed of Release barred the plaintiff from pursuing his claim (led by D Villa SC, instructed by Mills Oakley)

Ardestani v Doss [2019] NSWCA 13 – acted for the respondent, dismissal of appeal for want of prosecution and order that costs payable forthwith, appellant subsequently withdrew the appeal, (unled, instructed by Armstrong Legal)

Coffey v Murrumbidgee Local Health District formerly known as Greater Murray Area Health Service [2019] NSWSC 1265 – successful defence of allegation that hospital was negligent in failing to transfer mother and properly care for neonate (led by R Cheney SC & J Downing, instructed by Curwoods Lawyers).

As Solicitor

Acting for a global US restaurant franchisor in a post-M&A ICC arbitration dispute with its former Turkish franchisee.

Acting for the Republic of Kenya in an ICSID arbitration proceeding brought by an investor in relation to a geothermal project.

Acting for a bank and appointed receivers and managers of a company following the discovery of court orders setting aside the transfer of a collateral security. Advising on the ongoing trade and sale of the business, and the related litigation.

Acting for a mezzanine lender in proceedings where the liquidators of the responsible entity of a managed investment scheme contested the validity of securities granted to the lender.

Acting as instructing solicitor and appearing in the Supreme and Federal courts on behalf of listed companies, as well as major banking and finance clients, in non-lending loss exposures, priority disputes between creditors, security enforcement and general insolvency and bankruptcy proceedings.

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Administrative Law	Class Actions	Insurance and Reinsurance
Alternative Dispute Resolution	Communications	International Law
Appellate	Competition and Consumer	Professional liability
Arbitration	Conflict of laws	Real property
Banking and Financial Services	Contracts	Restraint of trade
Bankruptcy and Insolvency	Corporations and Securities	Shareholder class actions
Building, Construction and Technology	Cross-border Insolvency	

COMMON LAW

Alternative Dispute Resolution	Medical negligence	Professional indemnity
Appellate	Personal Injury	Professional liability
Class Actions	Product liability	Sports law
Insurance and Reinsurance		

EQUITY

Alternative Dispute Resolution	Property	Trusts
Appellate		

INDUSTRIAL / EMPLOYMENT

Civil and human rights	Disciplinary proceedings	Restraint of trade
Government inquiries		

INQUESTS AND INQUIRIES

Commissions of inquiry

PUBLIC AND ADMINISTRATIVE LAW

Alternative Dispute Resolution	Disciplinary proceedings	Public law
Appellate	Judicial review and administrative law	
Constitutional law	Merits review	

SECTORS

Banks and Financial Institutions

Government

Healthcare