



NICHOLAS CAREY

Juris Doctor (Distinction) University of New South Wales

Bachelor of Music (Honours Class 1) Sydney Conservatorium of Music, University of Sydney

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Admitted to the legal profession
2020

Admitted as a barrister in NSW
2024

Also entitled to practise in
All Australian jurisdictions (Commonwealth,
State and Territory)

Nicholas accepts briefs in all areas of law.

Prior to being called to the Bar, Nicholas was Senior Associate to the Hon Justice Michelle Gordon AC of the High Court of Australia, Associate to the Hon Justice Michael Lee of the Federal Court of Australia, and a solicitor at Herbert Smith Freehills. While a solicitor, he acted in a range of commercial, public law and regulatory disputes, including in the areas of financial services, climate change, class actions and administrative law.

Nicholas graduated with a Juris Doctor (Distinction) from the University of New South Wales.

Before studying law, Nicholas worked for a coffee trading company as a green coffee buyer and operations manager. Prior to that, he was a professional clarinetist and clarinet teacher. He also holds a Bachelor of Music (Performance) with First Class Honours from the Sydney Conservatorium of Music.

PROFESSIONAL EXPERIENCE

2023 – 2024: Solicitor, Herbert Smith Freehills

2022 – 2023: Senior Associate to the Hon Justice Michelle Gordon AC, High Court of Australia

2021: Solicitor, Herbert Smith Freehills

2020 – 2021: Associate to the Hon Justice Michael Lee, Federal Court of Australia

PROFESSIONAL MEMBERSHIPS

- New South Wales Bar Association
- Australian Bar Association

PUBLICATIONS

2021: Nicholas Carey, 'Presumptions upon Presumptions: Problems with the Threshold of Materiality' (2021) 44(2) *University of New South Wales Law Journal* 548.

SELECTED CASES

As a solicitor

Australasian Centre for Corporate Responsibility v Santos Ltd (NSD858/2021) – misleading and deceptive conduct, climate change, claims of “greenwashing” market disclosures in relation to natural gas, hydrogen and greenhouse gas emission reduction targets, for Santos.

Jubilee Australia Research Centre Ltd v Export Finance and Insurance Corporation (NSD724/2023) – alleged contraventions of annual reporting requirements under *Environment Protection and Biodiversity Conservation Act 1999* (Cth), for Northern Australia Infrastructure Facility (“NAIF”) and current and former Chairs of NAIF Board.

Australian Securities and Investments Commission v AMP Superannuation Ltd (VID280/2021) – financial services, civil penalty proceeding in relation to fee-for-no-service conduct, for AMP entities. Subsequently decided as *Australian Securities and Investments Commission v AMP Superannuation Limited* (2023) 168 ACSR 206.

Kayler Thomson v Colonial First State Investments Ltd (VID1313/2018 see, eg, (2021) 153 ACSR 663 – joint interest privilege) – financial services, class action, claims of breach of superannuation trustee duties, for Colonial, Avanteos and Commonwealth Bank of Australia.

Australian Securities and Investments Commission v Westpac Banking Corporation (NSD386/2021) – financial services, insider trading, unconscionable conduct, acting for current and former employee witnesses of an Australian bank. Subsequently decided as *Australian Securities and Investments Commission v Westpac Banking Corporation (Penalty Hearing)* [2024] FCA 52.

Australian Licensed Aircraft Engineers Association v Qantas Airways Ltd (2022) 314 IR 231 – industrial law, Full Court of the Federal Court appeal, challenge to stand down provisions invoked due to COVID, for Qantas and Jetstar.

Advising global technology company in administrative law regulatory dispute concerning development of online industry codes and standards under the *Online Safety Act 2021* (Cth).

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Appellate	Contracts	Shareholder class actions
Banking and Financial Services	Corporations and Securities	Superannuation
Bankruptcy and Insolvency	Environment and Planning	Trade Practices
Class Actions	Insurance and Reinsurance	
Competition and Consumer	Real Property	

EQUITY

Appellate	Property	Trusts
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COMMON LAW

Appellate	Defamation	Professional Indemnity
Class Actions	Medical Negligence	Professional Liability
Insurance and Reinsurance	Product Liability	

INQUESTS AND INQUIRIES

Commissions of Inquiry

PUBLIC AND ADMINISTRATIVE LAW

Appellate	Judicial Review and Administrative Law	Public Law
Constitutional Law		

CRIMINAL

Appellate	Proceeds of Crime	White Collar and corporate crime
Fraud		