

NICK KIDD SC

Admitted to the New South Wales Bar

February 1998

Appointed as Senior Counsel

October 2012

Areas of Practice

Nick practises in a wide range of matters with a focus on commercial, equity, *Corporations Act* and building and construction litigation. Areas of practice include:

- Building and Construction - contract disputes, defective works claims, delay claims, EOTs and variations, architect and engineer's negligence, *Security of Payment Act* matters, *Home Building Act* matters
- Resources - mining, oil and gas, electricity production and supply, gas price arbitrations, power purchase agreements, disputes relating to construction of plant
- Corporations - shareholder disputes, meetings, insolvency, liquidator actions, financial services matters, auditor's negligence, director's breaches, CALDB disciplinary matters, share trading and stock-brokers, ASIC investigations
- Commercial - supply/distribution agreements, Trade Practices matters, joint venture agreements, partnership disputes, product liability, valuation of business, bank litigation
- Property - sale of property, valuation disputes, mortgages and loans, retail and commercial leases, property development, pubs and gaming, strata title
- Professional negligence – solicitor's, valuer's, auditor's, accountant's, tax advisor's, construction professional's negligence
- Arbitrations - commercial, building, gas price arbitrations, power purchase agreements, foreign awards
- Inquiries - ICAC, commissions of inquiry.

Nick appears in a variety of Courts as well as in arbitration hearings and expert determinations. Further details about cases and practice areas in which Nick has been involved can be provided on request.

Sample matters

Matters on which Nick has worked include:

1. Acting for QIC Limited in NSW Supreme Court proceedings relating to a multi-million dollar building project. Nick worked on this case for more than 6 years. Instructed by Allens.
2. Acting for Ausgrid (formerly Energy Australia) in arbitration proceedings relating to the Redbank power generation plant. Instructed by Allens.
3. Acting for AGL Wholesale in gas price arbitrations under long term Gas Supply Agreements made with gas producers in Eastern Australia. Instructed by Allens.
4. Acting for Public Transport Ticketing Corporation in NSW Supreme Court proceedings against ERG Limited arising out of the cancellation of the contract for the development and supply of a smart card for public transport ticketing in Sydney. Nick worked on this case for more than 3 years. Instructed by Allens.
5. Acting for Endeavour Energy in expert determinations under a Power Purchase Agreement with BHP Coal. Instructed by K&L Gates.
6. Acting for Reliance Rail in arbitration proceedings against Railcorp relating to the supply of rolling stock for the Sydney metropolitan railway network. Instructed by Gilbert & Tobin.
7. Acting for Bendigo and Adelaide Bank Limited in NSW Supreme Court proceedings arising out of the collapse of the Great Southern managed investment schemes. Instructed by Allens.
8. Acting for Peabody Mining in Federal Court proceedings relating to the construction of a coal handling plant at the Millennium coal mine in Queensland. Instructed by McCullough Robertson.
9. Acting for Vodafone Pty Limited in a series of proceedings commenced in the Federal Court relating to the Vodafone mobile phone network. Instructed by Allens.
10. Acting for Suncorp in various claims against valuers of development sites. Instructed by Allens.
11. Acting for ALE in Victorian Supreme Court proceedings against ALH relating to pub leases. Instructed by Allens.
12. Acting for Bradcorp in NSW Supreme Court proceedings against Lend Lease relating to a Masterplan Development in Wilton, NSW. Instructed by Swaab Attorneys.
13. Acting for Watpac Constructions in various matters, including advising in relation to the One Central Park development. Instructed by Maddocks.
14. Acting for Lindsay Bennelong Developments in NSW Supreme Court proceedings against Kell & Rigby relating to the construction of a residential apartment

development at Rushcutters Bay. Instructed by Maddocks.

15. Acting for New York investors in NSW Supreme Court proceedings against Village Roadshow relating to the development of “Skywalk” at Sydney Tower.
16. Acting for property developers in proceedings in NSW Supreme Court relating to the development of a 15 storey residential apartment building at Dee Why. Instructed by Banki Haddock Fiora.
17. Acting for shareholders in various oppression suits under the *Corporations Act*.
18. Acting in *Corporations Act* proceedings in the NSW Supreme Court arising out of the liquidation of financial derivatives firm, MF Global. Instructed by HWL Ebsworth.

Previous Experience

Nick was a solicitor and Senior Associate at Allen Allen & Hemsley between 1991 and 1997. He worked in the commercial litigation department, acting for media groups, banks and others. Nick worked on an auditor’s negligence case for 3 years and on Pay TV litigation between Murdoch and Packer interests.

Professional Activities

Nick is a member of the NSW Bar Association Alternative Dispute Resolution Committee. In that capacity, he gives presentations to members of the NSW bar on topics relating to arbitration and from time to time assists in the preparation of submissions made on behalf of the NSW Bar Association to law reform bodies.

Nick is also a director of Counsels Chambers Limited, a public (non-listed) company which owns several Sydney CBD buildings in which barristers’ chambers are housed.