



Nicole Maddocks

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Introduction

Nicole was called to the New South Wales Bar in 2021 and accepts briefs in all areas of law.

Prior to coming to the Bar, Nicole was a Senior Associate in the Commercial Litigation & Dispute Resolution team at Sparke Helmore. In this role, she had regular conduct of complex commercial litigation and dispute matters (including corporations law proceedings, competition and consumer law claims and regulatory actions), and worked across a number of Sparke Helmore's practice groups (including property, government, workplace, corporate and tax).

Nicole was also previously a solicitor in the Sydney Litigation & Regulatory (Government) team at DLA Piper. She has experience in providing specialised legal advice in the areas of administrative law, immigration and refugee law, as well as extensive litigation experience as a solicitor advocate, having regularly appeared in the Federal Court of Australia and Federal Circuit and Family Court of Australia (Division 2) in judicial review proceedings on behalf of the then Minister for Immigration and Border Protection.

In 2017, Nicole was a winner of the *Lawyers Weekly* 30 Under 30 awards in the Government category and in 2020, Nicole was a finalist of the *Lawyers Weekly* 30 Under 30 awards in the Dispute Resolution and Litigation category.

Nicole quickly establishes relationships of trust and confidence with clients, largely as a result of her responsiveness to clients and technical legal excellence. She is known by clients to provide exceptional legal services and is praised for being practical and easy to deal with. Nicole listens intently to client needs and responds with innovative, commercial strategies which align with their business needs.

Admissions

2021	Barrister at the New South Wales Bar
2014	Solicitor of the Supreme Court of New South Wales and the High Court of Australia

Main practice areas

Appellate	Contracts & Commercial Transactions
Administrative Law	Corporations Law
Bankruptcy & Insolvency	Equity
Competition Law & Trade Practices	Property
Consumer Protection	Wills, Probate and Family Provision

Professional Recognition

2020	Finalist of the <i>Lawyers Weekly</i> 30 Under 30 Awards – Dispute Resolution and Litigation Category
2017	Winner of the <i>Lawyers Weekly</i> 30 Under 30 Awards – Government Category

Career History

2017 - 2021	Sparke Helmore – <i>Senior Associate, Commercial Litigation</i>
2014 - 2017	DLA Piper – <i>Solicitor, Administrative Law and Government Litigation</i>
2012 - 2013	DLA Piper – <i>Summer Clerk, Corporate / Government Litigation</i>

Education

2019 - present	University of Sydney, <i>Master of Laws (LLM)</i>
2013	University of Cambridge, <i>Advanced Obligations and Remedies course</i>
2009 - 2013	University of Sydney, <i>Combined Bachelor of Laws (LLB) / Bachelor of Commerce (Economics)</i>
2003 - 2008	Pymble Ladies' College

Selected Cases

Nicole's recent experience (instructing counsel) includes:

- ***Mahmood v Abdul Wahid and Sons Pty Ltd, in the matter of Abdul Wahid and Sons Pty Ltd (No 2) [2021] FCA 535***: Corporations – application for leave pursuant to s 237 of the *Corporations Act 2001* (Cth) to bring proceedings on behalf of a company
- ***Application of Tatham [2021] NSWSC 540***: Powers of trustees – statutory jurisdiction of the court to confer powers on trustees pursuant to s 81 of the *Trustee Act 1925* (NSW)
- ***Herdman & Anor v Stephens & Anor, unreported, 24 November 2020 per Lindsay J, Supreme Court of NSW***: Urgent ex-parte injunction obtained in June 2018 on behalf of client (and his corporate vehicle) in the mining valuation industry to prevent a competitor (and his corporate vehicle) publishing false claims of plagiarism, breach of copyright and unlawful valuations to clients in that industry. Following a final hearing of the proceedings in November 2020, Lindsay J made declarations that the Defendants had engaged in conduct in contravention of s 18 of the *Australian Consumer Law* and ordered a permanent injunction against the Defendants, with indemnity costs.
- ***Redenbach & Ors v Redenbach & Ors, unreported, 21 October 2020 per Black J, Supreme Court of NSW***: Defending directors of an ASX-listed, New York software company, in respect of allegations of breaches of director's duties and the *Corporations Act 2001* (Cth), oppression, dishonest and fraudulent conduct in relation to the conduct of various companies, and claims for equitable compensation. The proceedings were settled on the second day of the trial on confidential terms, in respect of which Black J gave judgment and made orders granting leave pursuant to s 240 of the *Corporations Act 2001* (Cth) for the settlement of the proceedings.
- ***Choras v Farmakidis [2020] NSWSC 367***: Succession – family provision – separate hearing of application for extension of time required by the Plaintiff pursuant to s 58(2) of the *Succession Act 2006* (NSW)
- ***Aslanidis v Aslanidis [2020] NSWSC 110***: Equity – undue influence – absence of independent advice

- **Strang v Steiner [2019] NSWCA 143:** Succession – whether exercises of discretion miscarried and the amounts of additional provisions ordered should be reduced – whether exercise of discretion miscarried with respect to who should bear the burden of additional provisions
- **Water NSW v Barlow [2019] NSWLEC 30:** Environmental offences under *Water Management Act 2000* (NSW) – taking water during embargo – taking water when metering equipment not working – sentence
- **Sharks Residential Pty Ltd v The Owners – Strata Plan No. 97194 [2019] NSWCATCD 20:** Strata – reallocation of unit entitlements
- **Australian Competition and Consumer Commission v ACM Group Limited (No 3) [2018] FCA 2059:** Consumer law – consideration of appropriate relief following findings that the respondent contravened ss 18, 20 and 50 of the *Australian Consumer Law*
- **Australian Competition and Consumer Commission v ACM Group Limited (No 2) [2018] FCA 1115:** Consumer law – misleading or deceptive conduct by a debt collecting agency – undue harassment and coercion – unconscionable conduct
- **Ayoub v Minister for Immigration and Border Protection [2016] HCATrans 47:** Application for order to show cause – impending removal – interlocutory injunctive relief refused

Nicole's experience (as solicitor advocate) includes:

- **SZVEB v Minister for Immigration and Border Protection [2016] FCA 1039:** Application for extension of time to appeal decision of Federal Circuit Court of Australia – application dismissed
- **BYF15 v Minister for Immigration and Border Protection [2016] FCA 774:** Application for leave to appeal decision of Federal Circuit Court of Australia – duties of the Court to ensure an unrepresented litigant is aware of procedural and evidential rules – application dismissed
- **SZUAR v Minister for Immigration and Border Protection [2016] FCA 742:** Application for extension of time and leave to appeal decision of Federal Circuit Court of Australia – application dismissed
- **Singh v Minister for Immigration and Border Protection [2016] FCA 620:** Application for extension of time and leave to appeal decision of Federal Circuit Court of Australia – request for adjournment – dismissal pursuant to r 35.33(1)(a)(i) of the *Federal Court Rules 2011* (Cth)
- **SZVJY v Minister for Immigration and Border Protection [2016] FCA 618:** Appeal from decision of Federal Circuit Court of Australia – protection visa – s 424A(3)(a) of the *Migration Act 1958* (Cth) – appeal dismissed
- **AUF15 v Minister for Immigration and Border Protection [2016] FCA 115:** Application for extension of time to appeal decision of Federal Circuit Court of Australia – application dismissed
- **AMA15 v Minister for Immigration and Border Protection (2015) 244 FCR 131:** Appeal from decision of the Federal Circuit Court of Australia – whether Tribunal fell into jurisdictional error in not considering appellant's application under s 36(2)(a) where the application was limited to the complementary protection criterion in circumstances where the delegate had considered the application under both criteria – consideration of *SZVCH v Minister for Immigration and Border Protection [2015] FCCA 2950* – appeal dismissed
- **SZVEB v Minister for Immigration and Border Protection (No 2) [2015] FCA 1106:** Application for reinstatement of application for leave to appeal decision of Federal Circuit Court of Australia pursuant to r 35.33(2) of the *Federal Court Rules 2011* (Cth) – application dismissed