

# Allan Flick

---

Nine Wentworth Chambers, 9/180 Phillip Street, Sydney NSW 2000  
T (02) 8815 9242 | F (02) 9233 4464  
E [aflick@ninemwentworth.com.au](mailto:aflick@ninemwentworth.com.au)

## Practice Areas

Allan was admitted to practice in 2013 and called to the Bar in 2022. Allan accepts briefs in all areas of law, with a particular focus in commercial law and equity, administrative law, public law, defamation and commissions of inquiry.

Since coming to the Bar, Allan has appeared, led and unled, in the Supreme Court, District Court, Local Court and Federal Court, the Administrative Appeals Tribunal and the NSW Civil and Administrative Appeals Tribunal. Allan has acted for a broad range of clients, including Government departments and entities (State and Federal), commercial entities and not-for-profits, and individuals.

Prior to coming to the Bar, Allan was a senior associate at Clayton Utz in the commercial litigation practice, where he worked closely with clients and was well regarded for his ability to simplify and communicate complex arguments. He spent 13 years working in top-tier firms, and gained experience in a range of areas, including defamation, public and administrative law, migration law, inquiries (including Royal Commissions, investigations and whistleblower protections), arbitration and private international law.

## Admissions

2022 Barrister – called to the New South Wales Bar  
2013 Solicitor – Admitted to the Supreme Court of New South Wales and the High Court of Australia

## Professional Experience

### Clayton Utz

Senior Associate – Commercial Litigation (2017-2022)

### DLA Piper

Solicitor, Graduate – Commercial Litigation, Public and Administrative Law (2011-2017)

### Herbert Smith Freehills

Paralegal – Commercial Litigation (2008 – 2011)

## Education

2013 Bachelor of Laws (Honours), University of Sydney

2010 Bachelor of Commerce, University of Sydney

## Publications

- High Court Practice, Thompson Lawbook Co. (co-author)
- Submission to Australian Law Reform Commission, *Inquiry into Class Action Proceedings and Third Party Litigation Funders*
- *Empty Threat: Does the Law Combat Illegal Wildlife Trade? A Review of Legislative and Judicial Approaches in Fifteen Jurisdictions*, DLA Piper, in conjunction with United for Wildlife

## Achievements and recognition

- Winner - Lawyer's Weekly Annual "30 Under 30" Awards; Dispute Resolution 2016
- Finalist - Lawyer's Weekly Annual "30 Under 30" Awards; Pro Bono 2016
- DLA Piper Global Responsible Business Award; Pro Bono 2016

## Selected cases (barrister)

- *Re American Patriot Oil & Gas Ltd* [2022] NSWSC 777 (led by D Williams SC)  
Corporations, relief under s 1322 of the *Corporations Act 2001* (Cth) relating to financial reporting requirements.
- *BNGP v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2022] FCA 878 (led by B Kaplan)  
Jurisdictional error; s 501A decision.
- *BCEG International (Australia) Pty Ltd v Yu Xiao & Ors* (led by D Williams SC)  
Freezing order, costs

- *Heavy Plant Leasing Pty Ltd (in liq) v McConnell Dowell Contractors (Aust) Pty Ltd*, No. 2017/51274 (led by D Cook SC)  
Breach of contract, unfair preference, set-off
- *Young Mining Company Pty Ltd v State of NSW* [2023] NSWSC 582 (led by P Afshar)  
Application for interlocutory relief to restrain publication of a report by a Government department
- *JSBH v National Disability Insurance Agency*, AATA 2020/3387 (led by M Fisher)  
Interim application for s 25(4A) orders, recusal application, access to documents
- *PMTH v National Disability Insurance Agency*, AATA 2021/8041 (led by M Fisher)  
Interlocutory disputes relating to summonsed material and expert evidence
- *DBB16 v Commonwealth of Australia* (led by M Wu)  
Declaratory relief relating to unauthorized detention.
- *Giles v Kiama Municipal Council*, SYG2361/2021 (led by B Kaplan)  
Application for relief under the *Disability Discrimination Act*
- *Ischnura Group Pty Ltd v McAuley* [2022] NSWSC 1223 (led by W Chan)  
Injurious falsehood; interlocutory injunction.
- *Dragon Property Development & Investment Pty Ltd v 183 Eastwood Pty Ltd* [2022] NSWSC 910; *Dragon Property Development & Investment Pty Ltd v 183 Eastwood Pty Ltd (No 2)* (led by W Chan)  
Agent authority and estoppel, liability for fraud of agent
- *Poralu Marina Australia v MV Dijkgracht* [2022] FCA 1038 (led by J Emmett SC)  
Limitation of liability under the Hague Rules (*Carriage of Goods by Sea Act 1991* (Cth))
- *Donde & Anor v York & Anor*, No. 2022/65978  
Breach of lease; *res judicata* preliminary issue
- *Ying v Hou* No. 2022/379999 (led by B Kaplan)  
Appeal to the Supreme Court from a decision of the Local Court on error of law

### Selected cases (solicitor)

- *Gould v Jordan (No 2)* [2021] FCA 1289  
Acting for the Commissioner of Taxation in defamation proceedings brought by Mr Vanda Gould
- *Jordan, Commissioner of Taxation v Second Commissioner of Taxation* (2019) 166 ALD 456; [2019] FCA 1602 (Federal Court of Australia)  
Acting for the Commissioner of Taxation in proceedings for access to protected information held by the Australian Taxation Office
- *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Commonwealth)  
Acting for a large disability services provider in multiple case studies in relation to evidence, submissions, witness preparation and appearance at public hearings.
- *Royal Commission into National Natural Disaster Arrangements* (Commonwealth)  
Acting for a national infrastructure provider in relation to notices, submissions and appearance at a public hearing.
- *Epic Games v Apple Inc* (Federal Court of Australia)  
CCA claims made against Apple by Epic Games in relation to payment processing for Fortnite.
- *Department of Defence, whistleblower and defamation proceedings* (Supreme Court of NSW)  
Various defamation claims made against Department employees. Cross-claim for whistleblower protection and test of s23 of the *Public Interest disclosures Act 2013* (Cth); successful transfer of proceedings to the Supreme Court of NSW and obtained suppression and non-publication orders.
- *Molan v Daily Mail Australia* (Federal Court of Australia)

Defamation proceedings brought by Ms Molan against the Daily Mail Australia.

- *Clarke v ACS* (Federal Court of Australia)  
Corporations and incorporated association – claim by member of association to set aside special resolution passed at general meeting and resulting permission to apply to ASIC for registration as a company limited by guarantee.
- *Energy World Corporation v Standard Chartered Private Equity (Singapore)* (Supreme Court of NSW)  
Contract / debt instrument claim by the plaintiff seeking specific performance.
- *Commonwealth Department whistleblower and defamation proceedings (BOC v MDL [2019] NSWSC 278* and related proceedings) -  
Acting for a Department employee in claims for defamation and cross-claim for whistleblower protection in the first test of s23 of the *Public Interest Disclosures Act 2013* (Cth). Successfully transferred proceedings to the Supreme Court of NSW and obtained suppression and non-publication orders; settled prior to trial.
- *Timor Sea Conciliation (Timor-Leste v Australia (PCA))*  
Acting for Timor-Leste in the compulsory conciliation proceedings to settle the maritime boundary between Australia and Timor-Leste in the Timor Sea; first use of the compulsory conciliation mechanism available under the UN Convention on the Law of the Sea.
- Internal whistleblower inquiries (corruption)  
Internal inquiries by two NSW Government organisations arising out of whistleblower allegations of corruption.
- Internal whistleblower inquiries (competition and cartel conduct)  
Internal inquiry by national telecommunications provider arising out of whistleblower allegation of cartel conduct.
- NSW Rural Fire Service (various contentious matters)  
Advising and acting for the NSW Rural Fire Service on a range of contentious and litigious matters, including disputes in the Supreme Court and District Court, and in relation not a range of internal appeals and investigations.

## Other experience

- Disability Services Provider  
Advised large disability service provider in various contentious and regulatory matters, including proceedings before the Australian Human Rights Commission (which were successfully dismissed), and successfully opposing leave to commence discrimination proceedings in the Federal Court.
- United for Wildlife  
Global project leader on DLA Piper London's signature pro bono collaboration with United for Wildlife and the Royal Foundation, reporting on wildlife conservation and trafficking laws.
- Wildlife Conservation Society  
Team leader on secondment to Wildlife Conservation Society Vietnam in relation to USAID project to reform wildlife laws.
- American Bar Association  
Project leader drafting American Bar Association submissions on revisions to China's wildlife protection legislation.

## EXTRA-CURRICULAR

- Previous member of DLA Piper and Clayton Utz social and professional networking committees
- Previous mentor member of Clayton Utz mentorship program for young lawyers
- LawSki (Founder of DLA Piper Lawski Committee | Member of winning Clayton Utz Lawski team)
- Balmoral Triathlon Club
- Kirribilli Runners
- Australian Super Corporate Triathlon

- Guest Moot Judge, B. Inspiring Conference
- Daystar/Sara Redfern High School - Mentoring Mates Pen Pal