



Nicholas Olson

NEW/CHAMBERS

BA (Syd), LLB (Hons I) (Syd)

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Admitted to the legal profession	2013
Admitted as a barrister in NSW	2017
Also entitled to practise in	All Australian jurisdictions (Commonwealth, State and Territory)

Principal areas of practice

Administrative law	Defamation and privacy
Appellate	Equity and trusts
Bankruptcy and insolvency	Insurance and reinsurance
Building, construction and technology	Privacy and breach of confidence
Class actions	Professional negligence and discipline
Commercial law	Real property
Constitutional law	Trade practices
Corporations and securities	

Previous professional experience

HWL Ebsworth Lawyers: 2014 – 2017
Piper Alderman Lawyers: 2012 – 2013

Professional memberships

Australian Insurance Law Association
Communications and Media Law Association

Additional Information

Nicholas has been an examiner in Federal Constitutional Law at the University of Sydney since 2014.

Nicholas has also been a volunteer examiner for the Governor-General's Prize, a constitutional law essay competition administered by the Constitution Education Fund Australia.

Selected cases (as a counsel)

- **Fairfax Digital Australia & New Zealand Pty Ltd v Kazal** [2018] NSWCA 77 – Successfully argued that it was not permissible for Fairfax to rely on imputations pleaded by the plaintiff which were subsequently proved to be true as elements of a defence of contextual truth under s 26 of the *Defamation Act 2005*. Led by B R McClintock SC and S T Chrysanthou.
- **Nationwide News Pty Ltd v Rush** [2018] FCAFC 70 – Successfully resisted Nationwide News' application for leave to appeal orders striking out part of its statutory qualified privilege defence. Led by R G McHugh SC.
- **Rush v Nationwide News Pty Ltd (No 2)** [2018] FCA 550 – Successfully established that Nationwide News' proposed cross-claim against its own source, the Sydney Theatre Company, had insufficient prospects of success to warrant leave to file it. Led by S T Chrysanthou
- **Feldman v Polaris Media Pty Ltd** [2018] NSWSC 1035 – Successfully defended the publisher and deputy editor of *The Australian Jewish News* against a claim in defamation by Rabbi Yosef Feldman concerning their coverage of Rabbi Feldman's evidence at the Royal Commission into Institutional Responses to Child Sexual Abuse. Defences of honest opinion, justification, and contextual truth were successful, and a defence of qualified privilege was partially successful. Led by S T Chrysanthou.
- **Feldman v Polaris Media Pty Ltd (No. 3)** [2018] NSWSC 1201 – Resisted an application by the plaintiff to have McCallum J set aside her reasons and orders in *Feldman v Polaris Media Pty Ltd* [2018] NSWSC 1035. Unled.
- **Commonwealth Steel Company Ltd v BHP Billiton Marine & General Insurance Pty Ltd [2018] NSWCA 242; Commonwealth Steel Company Ltd v BHP Billiton Marine & General Insurance Pty Ltd** [2017] NSWSC 1445 – Successfully defended BHP Billiton's captive insurance company against a claim for indemnity by a former BHP subsidiary under a policy of employer's liability insurance issued in the 1970s. Judgement upheld on appeal. Led by D McLure SC.
- **Benhayon v Rockett (No. 4)** [2018] NSWSC 1312; *(No. 5)* [2018] NSWSC 1394; *(No. 6)* [2018] NSWSC 1403; *(No. 7)* [2018] NSWSC 1477 – Acted for the plaintiff, a spiritual healer and the proprietor of Universal Medicine, in a defamation claim concerning a series of online publications which imputed that he was the leader of a "socially harmful cult" and that he had indecently assaulted clients. Led by K Smark SC.

- **Park v Palmer** - Acting for Clive Palmer in a defamation claim brought against him by the former liquidators of Queensland Nickel Pty Ltd. Led by M A Karam.
- **Plymouth Brethren (Exclusive Brethren) Christian Church Ltd v The Age Company Ltd** [2018] NSWCA 95 – Acted for the successful appellant in an appeal concerning the principles applicable to the identification of a plaintiff in defamatory matter. Led by B R McClintock SC and S T Chrysanthou.
- **Gav v Ryde Ex-Services Memorial & Community Club Ltd** [2018] NSWSC 621 – Successfully resisted an application by the defendant for the plaintiff to be required to “strike in” severable parts of the matter complained of. Led by B R McClintock SC
- **Alsuleiman v Nationwide News Pty Ltd & anor** – Acting for a leading Sydney imam in defamation proceedings against the publishers of the *Daily Telegraph* and the *Courier Mail* in the Federal Court of Australia. Led by K Smark SC.
- **Cummings v Fairfax Media Publications Pty Ltd** – Acting for the appellant in an appeal which primarily concerns whether pleadings in ongoing civil proceedings are public documents for the purpose of s 28 of the *Defamation Act 2005*. Led by T K Tobin QC.
- **Triguboff v Fairfax Media Publications Pty Ltd** [2018] FCA 845 – Acted for the applicant on an argument concerning the circumstances in which an individual may be identified by defamatory matter which refers to his or her company or business. Led by S T Chrysanthou.
- **AZH17 v Minister for Immigration & Border Protection** [2018] FCCA 464 – Acted for the applicant in judicial review proceedings concerning the construction of s 5J(1)(b) of the *Migration Act 1958*. Unled.

- Selected cases (as a solicitor)**
- Acting for the publisher and author of the unauthorised biography of a prominent Australian political figure in defamation proceedings in the Federal Court of Australia.
 - Acting for a Commonwealth government agency in proceedings brought by a self-represented litigant for breach of privacy and breach of confidence in the District Court of New South Wales and New South Wales Court of Appeal.
 - Defamation and privacy law advice for the NSW Police Force, local councils and medical indemnity insurers.
 - Advising London Market and Dutch insurers on coverage issues and private international law issues arising out of a shareholders’ class action in the Federal Court of Australia relating to the issue of a defective product disclosure statement.
 - Advising London Market insurers on coverage issues arising out of a class action in the Supreme Court of New South Wales against a government corporation in relation to property damage caused by the 2010-2011 Brisbane Floods.
 - Acting for a major Australian resources company in the High Court of Australia, the New South Wales Court of Appeal, and the Supreme Court of South Australia in a series of test cases relating to exposures to asbestos in the company’s shipbuilding and steelworks operations between the 1960s and the 1980s.

Professional profile [linkedin.com/in/nicholas-olson-96535a74](https://www.linkedin.com/in/nicholas-olson-96535a74)