

HARRY WOODS

Barrister at Law



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BACKGROUND & QUALIFICATIONS

- 2021 Part-time Senior Member of NCAT
- 2016 Nationally Accredited Mediator with LEADR (Resolution Institute)
- 2004 Professional Certificate in Arbitration – IAMA and the University of Adelaide
- 2000 Called to the NSW Bar
- 1994 Admitted as a Solicitor of the Supreme Court of NSW
- 1992 Diploma of Law: Solicitor's Admission Board
- 1989 Bachelor of Arts: University of Sydney

OVERVIEW

Harry advises and represents clients across a broad spectrum of commercial law matters including contract disputes, building and construction, administrative law (primarily in respect of judicial and merit review in the AAT or in the Federal Court), consumer law and trade practices disputes, as well insolvency and bankruptcy matters.

Harry has appeared in the Federal Court of Australia including the Full Bench in appeal matters, the Federal Circuit Court, the Administrative Appeals Tribunal (Cth) and the Fair Work Commission, the Supreme Court of New South Wales and the NSW Court of Appeal, the District and Local Courts of New South Wales and the New South Wales Civil and Administrative Tribunal (NCAT) and its Appeal Panel.

Harry has been appointed a part-time senior member with NCAT's Commercial and Consumer Division since 1 February 2021, he is no longer able to accept briefs to appear in the Tribunal.

Privacy and Confidentiality Notice

This communication contains information which is confidential. If you are not the intended recipient of this communication please advise immediately on (02) 9224 1555.

Liability limited by a scheme approved under Professional Standards Legislation

A hard-working and approachable barrister, Harry's commercial and strategic approach is to also consider the cost and financial position of the client when providing advice and/or representation. Complementing his litigation practice. Harry holds a professional certificate in Arbitration through IAMA and is an accredited Mediator with the Resolution Institute.

PRINCIPAL AREAS OF PRACTICE

Administrative

Bankruptcy & Insolvency

Building and Construction

Commercial Law

Employment & Industrial Relations

Equity

Trade Practices & Competition

SELECTED CASES

McDonald v QBE Lenders' Mortgage Insurance Limited [2021] NSWSC 1574: Civil procedure, Transfer of proceedings to higher court, Factually entwined proceedings.

Broadway Plaza Investments Pty Ltd v Broadway Plaza Pty Ltd; In the matter of Combined Projects (Arncliffe) Pty Ltd (No 3) [2021] NSWSC 1537: Costs, Lump sum or gross costs orders, Whether lump sum costs order should be made, Party/Party, General rule that costs follow the event, Special costs order.

Broadway Plaza Investments Pty Ltd v Broadway Plaza Pty Ltd; In the matter of Combined Projects (Arncliffe) Pty Ltd (No 2) [2021] NSWSC 1374: Judgments and orders, Amending, varying and setting aside, Correction under slip rule, Inherent jurisdiction, Costs, Party/Party, General rule that costs follow the event, Application of the rule and discretion, Exceptions to general rule that costs follow the event, Orders when proceedings involve multiple parties, Bullock and Sanderson orders.

Rowe v Metroll SA Pty Ltd [2021] NSWCA 196: Agency, Ostensible authority, Man used company email address and corporate signature, Man closely involved with company's sole director in finalising orders of building materials, Whether man had ostensible authority to bind company. Contract, Company purchased building materials from South Australian company, Sole director guaranteed company's obligations to supplier, Guarantee expressed to be with Queensland company and "each related body corporate that supplies goods or services to the Customer," South Australian supplier was

related to Queensland company and had similar name, Whether South Australian company could enforce guarantee.

Metroll SA Pty Ltd v Powerpark Systems Pty Ltd (No 2) [2021] NSWDC 184: Costs, Whether a limiting order should be made as to the plaintiff's costs of the proceedings, Problem with pagination of the court bundle, General exercise of the court's discretion as to costs.

Woodgate in his capacity as Deed Administrator of Oneoz Pty Ltd (subject to a deed of company arrangement) v Brown [2021] NSWSC 508: Civil procedure, Applicant is prevented by the Australian Financial Security Authority from enforcing a monetary judgment without leave of this Court, Leave of this Court is not required to enforce a monetary judgment, Overriding purpose of the Court, Just, quick and cheap resolution, Leave is granted.

Metroll SA Pty Ltd v Powerpark Systems Pty Ltd [2021] NSWDC 102: Contract, Alleged manufacture and sale of goods said to be ordered on behalf of the first defendant company, Alleged supply of part of the goods ordered, Guarantee allegedly given by the second defendant director, Whether second defendant liable pursuant to the alleged guarantee for goods said to have been ordered on behalf of the first defendant, Identity of contracting parties. Agency, Authority of alleged agent to order goods on behalf of the first defendant, Whether actual authority (express or implied), Whether ostensible authority. Company law, Authority of sole director and secretary, Whether holding out by director that agent had authority to order goods on behalf of the first defendant company.

Broadway Plaza Investments Pty Ltd v Broadway Plaza Pty Ltd In the matter of Combined Projects (Arncliffe) Pty Ltd [2020] NSWSC 1778: Partnerships and joint ventures, Dissolution, Where panoply of claims and cross-claims, Proust's In Search of Lost Time. Equity, Equitable fraud, Sham transactions, Bribes, Fiduciary duties, Breach restitution, Nature of restitutionary liability, Availability of restitution, Quantum meruit and quantum valebat. Banking and finance, Banks, Duties, Duty to adhere to mandate of customer. Occupations, Solicitors, Professional negligence.

BBQ Smokers Australia Pty Ltd Mainfreight International Pty Ltd [2019] NSWSC 1733: Appeal from Local Court, Local Court Act 2007 (NSW), Assessment by Magistrate of economic loss, Whether Magistrate erred in determining award for loss of profits, Whether Magistrate gave sufficient reasons, Where the plaintiff's shipment of BBQ smokers was delayed and damaged.

Bernhardt v Bernhardt [2019] NSWSC 1632: Land Law, Torrens title, Indefeasibility of title, Registered proprietor entitled to possession. Land Law, Conveyancing, Requirements of writing, Creation or disposition of interest in land, Defendant a bare licensee.

White v Philips Electronics Australia Ltd t/as Philips Healthcare [2019] NSWCA 115: Contract, Alleged oral variation of contract, Contractual clause providing for no variation other than in writing,

Factual finding of no oral variation, Appeal, Challenge to finding of fact in relation to disputed conversation, Principles applicable to such a challenge.

Cooper v King [2019] NSWSC 86: Land Law, Conveyancing, Contract for sale, Deposit, Whether to order relief against forfeiture under Conveyancing Act 1919 (NSW), s 55(2A). Contracts, Misrepresentation, Elements, Whether sellers' agent made misrepresentations to buyer, Whether buyer relied on any such representations.

Murray v Australian Community Pharmacy Authority [2017] FCA 705 - Judicial Review of determination of application to supply pharmaceutical benefits.

Roam Tolling Pty Ltd, in the matter of Lions Transport Pty Ltd v Lions Transport Pty Ltd [2016] FCA 1501 (08 December 2016) (Farrell J) - Counsel for the Plaintiff: Mr H Woods Solicitor for the Plaintiff: Hudson Lawyers Counsel

Tameeka Group Pty Ltd v Landan Pty Ltd (No 3) [2016] FCA 733 - Commercial dispute; Option to purchase premises; Collateral Contract.

Also appearing in *Tameeka Group Pty Ltd v Landan Pty Ltd (No 2)* [2016] FCA 480 (06 May 2016) (Markovic J) and *Tameeka Group Pty Ltd v Landan Pty Ltd* [2015] FCA 1218 (11 November 2015) (Markovic J).

Assarapin v Australian Community Pharmacy Authority [2016] FCAFC 9 - Judicial Review of determination to approve -application to supply pharmaceutical benefits; Appeal from determination in respect of application for Judicial review.

Also appearing in *Assarapin v Australian Community Pharmacy Authority* [2015] FCA 268.

PROFESSIONAL EXPERIENCE

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| 2020 – present | Barrister, Tenth Floor St James Hall Chambers |
| 2001 – 2020 | Barrister, Wardell Chambers |
| 2000 – 2001 | Barrister, Blackstone Chambers |
| 1994 – 2000 | Solicitor, Office of the DPP Lismore , Marsdens Law Group, Clinch Neville Long Solicitors |

PROFESSIONAL MEMBERSHIPS

Member, Resolution Institute

Member, New South Wales Bar Association