

Faheem Anwar

Solicitor 2010

Barrister 2019

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Faheem Anwar is a barrister with a commercial practice specialising in building and construction law and employment and industrial law. He has particular expertise in complex construction and infrastructure disputes involving delay and disruption.

As an advocate, Faheem always prepares meticulously to ensure that his client's case can be presented in the most persuasive manner. He is known for 'rolling up his sleeves' and working collaboratively with senior counsel, instructing solicitors, clients and experts to ensure each matter is thoroughly prepared.

Before coming to the bar, Faheem worked as a solicitor at Allens and a senior associate at Corrs Chambers Westgarth and at HWL Ebsworth.

Outside of work, Faheem enjoys spending time with his family, reading and watching sports especially cricket and rugby.

SPECIALISATIONS

Building, construction and infrastructure law

Employment and industrial law

Commercial litigation and equity

PROFESSIONAL RECOGNITION

Doyles Guide Leading Construction & Infrastructure Junior Counsel - New South Wales, 2022 - Recommended

Building & Construction

Gas Infrastructure Arbitration (2022). Faheem acted for a tier 1 contractor in an international arbitration arising out of the design and construction of cryogenic tanks for a large LNG project in Northern Territory. The amount in dispute was approximately \$1 billion. Faheem was part of a team of counsel led by R McHugh SC and T Breakspear SC.

Geoffrey Stewart Constructions v Nottingham (2022). Faheem is currently acting for the builder in proceedings in the Supreme Court of NSW. The key issue is whether representations made by the developer in the request for tender constituted misleading or deceptive conduct - led by T Breakspear SC.

J & C G Constructions Pty Ltd v Tran (2022). Faheem acted for J & C G Constructions in relation to an application for an access order under the *Access to Neighbouring Land Act 2000* (NSW) - unled.

MP Water Pty Ltd v Veolia Water Australia Pty Ltd (No 2) [2021] NSWSC 892; MP Water Pty Ltd v Veolia Water Australia Pty Ltd (No 3) [2021] NSWSC 1023; MP Water Pty Ltd v Veolia Water Australia Pty Ltd (No 4) [2021] NSWSC 1428. Faheem acted in NSW Supreme Court proceedings for the design and construction contractor of a major water treatment facility. The dispute concerned complex issues of contractual interpretation and whether the prevention principle applied - led by M Ashhurst SC and J Wright.

Icon v Meso (2021). Faheem acted for the builder against the developer and insurers in Supreme Court of NSW proceedings concerning latent conditions and delay costs. The proceedings also involved complex issues concerning interpretation of the insurance policy and rectification of contract. The proceedings settled prior to hearing - led by T Breakspear SC.

Ganellen v RB Group (2021). Faheem acted for the builder in proceedings against the consultant engineer in the Supreme Court of NSW in respect of the failure of pre-cast spandrels. The proceedings settled prior to a hearing - led by T Breakspear SC.

Bourke v Wincrest Group Pty Ltd [2021] NSWCATCD 44. Faheem acted for the builder against the homeowner in NCAT proceedings regarding alleged defects in the construction of a residential dwelling - unled.

Blue Land Parramatta v Heworth Constructions (2020). Faheem acted for the developer against the builder in NSW Supreme Court proceedings concerning building defects - led by F Hicks SC.

Duffy Kennedy Pty Ltd v Galileo Miranda Nominee Pty Ltd (2020) 101 NSWLR 927. Faheem acted for the appellant builder against the developer in NSW Supreme Court proceedings. The key issues included the right to suspend works under the *Building and Construction Industry Security of Payment Act 1999*, as well as the validity of a contractual show cause notice - led by F Hicks SC and S Ahmed.

Beta Build Group v El Baba (No. 2) [2020] NSWDC 238; Beta Build Group v El Baba (No. 3) [2020] NSWDC 272. Faheem acted for the builder in relation to an application for the adoption of a referee's report on the question of rectification costs for building defects in the District Court of NSW - unled.

Dadley v Fire and Rescue NSW [2020] NSWIRComm 1084; Dadley v Commissioner of Fire and Rescue NSW [2022] NSWIRComm 1025. Faheem is currently acting for the applicant in relation to an unfair dismissal application – unled against senior counsel.

Fire Brigade Employees' Union of New South Wales v Industrial Relations Secretary on behalf of Fire and Rescue NSW (In Orders Dispute) [2022] NSWIRComm 1016. Faheem acted for a labour union in relation to an industrial dispute before the Industrial Relations Commission. The dispute concerned the arrangements to be implemented where insufficient retained firefighters are available to staff the appliances at a retained fire station.

Australian Services Union of NSW v Transport Secretary (Transport for NSW) (No 2) [2021] NSWIRComm 1100. Faheem acted for a labour union in relation to an industrial dispute before the Industrial Relations Commission. The dispute concerned whether a new award should be made covering employees affected by a restructure – unled.

Joshua Austin v AGL Energy Limited [2021] FWC 5910. Faheem acted for the applicant in unfair dismissal proceedings in the Fair Work Commission. The proceedings concerned the employer's jurisdictional objections regarding the high-income threshold and award coverage – unled.

Walsham v Fire & Rescue NSW [2021] NSWIRComm 1013. Faheem acted for the applicant in a public sector disciplinary appeal – unled.

DP World Sydney v CFMMEU (2021). Faheem acted for the employer in proceedings in the Federal Court of Australia. The dispute was about whether the industrial action taken by the union was protected industrial action under the *Fair Work Act 2009*. The dispute settled after the hearing – led by J Darams.

Gemma Hill v Wards Accounting Group (2020). Faheem acted for the applicant in proceedings in the Federal Court of Australia seeking interlocutory injunction to prevent termination of the applicants' employment. The proceedings settled prior to hearing – led by D Mahendra.

Willis Reinsurance v Fisher; Willis Reinsurance v Wang (2020). Faheem acted for the employer in restraint of trade proceeding in the Supreme Court of NSW against a former employee who had taken confidential information from the employer and sought to commence work with a competitor. The proceedings settled prior to hearing – led by A Moses SC and D Mahendra.

Sunrise Education v Camnet Finance [2021] NSWCATCD 27. Faheem acted for the plaintiff in NCAT proceedings regarding breach of contract for hiring photocopying equipment - unled.

CB Commercial v Smoothflow Australia (2021). Faheem acted for the plaintiff in proceedings in the Federal Court of Australia. The key issue was whether the products supplied by the defendant breached the fitness for purpose guarantee and the guarantee as to acceptable quality under the Australian Consumer Law. The proceedings settled at mediation - led by L Shipway.

NGI Savannah v Budd (2020). Faheem acted for the plaintiff in proceedings in the Supreme Court of NSW which alleged breach of contract, breach of fiduciary duty and misleading and deceptive conduct. The proceedings settled prior to the hearing - led by J Knackstredt.

Citilink v Piling (NSW) Pty Ltd v WBHO Infrastructure Pty Ltd (2020). Faheem acted for the applicant in relation to a preliminary discovery application in the District Court of NSW - unled.

NEXTracker Inc v ACN 003 905 093 Pty Ltd (formerly RCR O'Donnell Griffin Pty Ltd) (In Liquidation) [2019] NSWSC 1604. Faheem acted for the plaintiff in NSW Supreme Court proceedings concerning the interpretation of a contract for the supply of equipment and materials for use in the construction of a solar farm project- led by I Roberts SC.