

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 family, reading and watching sports especially cricket, rugby and basketball.

SPECIALISATIONS

Building, Construction and Infrastructure Law

Arbitration

Employment and Industrial Law

PROFESSIONAL RECOGNITION

Doyles Guide Leading Construction & Infrastructure Junior Counsel - New South Wales- Recommended
(2022, 2023, 2024, 2025)

Building, Construction and Infrastructure

CPB Contractors Pty Limited v HDI-Global SE, Australia (2024) – Faheem is currently acting for the contractor in proceedings in the Supreme Court of New South Wales arising out of the construction of a motorway project in New Zealand. The contractor claims indemnity from its insurer pursuant a Contract Works / Advance Loss of Profits policy. The amount in dispute is approximately NZ\$194 million – led by J Thompson SC and B Bradley.

Lake Macquarie City Council v Newcastle Resources (2024) – Faheem is currently acting for the plaintiff in proceedings in the Supreme Court of New South Wales arising out of the supply of a road-base material used by the plaintiff to construct and repair roads. The amount in dispute is approximately \$120 million – led by L Shipway.

Ghafoor v Ryte Homes Pty Ltd [2024] NSWSC 370 – Faheem acted for the applicant in proceedings in the Supreme Court of New South Wales seeking a declaration that a payment claim issued under the Building and Construction Industry Security of Payment Act 1999 was void. The declaration was granted – unled.

Mooi Holdings Pty Ltd v SFN Constructions Pty Ltd (2024) – Faheem acted for the insurers of the builder in proceedings in the Supreme Court of New South Wales arising out of the termination of a contract for the construction of residential apartments at Bellevue Hill. The proceedings settled prior to hearing – led by I Roberts SC.

Total Construction Pty Ltd v Catholic Healthcare Limited [2023] NSWSC 585 – Faheem acted for a principal in relation to an application made by the contractor for interlocutory injunction to restrain recourse to bank guarantees – led by T Breakspear SC.

Geoffrey Stewart Constructions v Nottingham (2023) – Faheem acted for the builder in proceedings in the Supreme Court of NSW. The key issue was whether representations made by the developer in the request for tender constituted misleading or deceptive conduct. The proceedings settled at mediation – led by T Breakspear SC.

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 for the design and construction contractor of a major water treatment facility in proceedings in the Supreme Court of New South Wales. 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.

NOTABLE CASES - CONTINUED

Duffy Kennedy Pty Ltd v Galileo Miranda Nominee Pty Ltd (2020) 101 NSWLR 927 - Faheem acted for the appellant builder in Court of Appeal 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.

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 construction of a solar farm project- led by I Roberts SC.

Arbitration

Road Infrastructure Arbitration (2024) - Faheem acted for an Italian engineering consultancy in an international arbitration under the ICC rules arising out of a major motorway expansion project in New South Wales. The amount in dispute was approximately \$61 million - led by I Roberts SC and J Wright.

Gas Infrastructure Arbitration (2023) - Faheem acted for a tier 1 contractor in an international arbitration under the ICC rules 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 - led by R McHugh SC, T Breakspear SC and A Rollnick.

Industrial Law

Application by The Australian Industry Group to vary the Social, Community, Home Care and Disability Services Industry Award 2010 (decision reserved) - Faheem acted for the unions in relation to an application to vary the SCHADS Award to remove an ambiguity or uncertainty - unled against senior counsel.

NSW Electricity Networks Operations Pty Limited as Trustee for NSW Electricity Networks Operations Trust t/a Transgrid v Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia [2024] FWC 2182 - Faheem acted for a union in relation to an application brought by an employer to suspend or terminate protected industrial action (led by J Agius SC).

Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union known as the Australian Manufacturing Workers' Union v Opal Packaging Australia Pty Ltd [2023] FWC 3168 - Faheem acted for a union in relation to the arbitration of a dispute regarding the interpretation of an enterprise agreement - unled.

NOTABLE CASES - CONTINUED

Application for Crown Employees (School Psychologists - Department of Education) Salaries Award [2023] NSWIRComm 1051 – Faheem acted for a union in relation to an application for a new award for school psychologists – unled.

Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales v Secretary of the Department of Education (COVID-19 Protocols) [2022] NSWIRComm 1063 – Faheem acted for a union in relation to an industrial dispute concerning the implementation of Covid-19 protocols – unled.

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 union in relation to an industrial dispute concerning the proposed introduction of new arrangements for dealing with staff shortage at retained fire stations – unled.

Australian Services Union of NSW v Transport Secretary (Transport for NSW) (No 2) [2021] NSWIRComm 1100 – Faheem acted for a union in relation to an application for a new award to maintain the conditions of employment previously enjoyed by employees affected by a restructure – unled.

Employment Law

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

Baker v Woolworths Group Limited (No 2) [2022] FCA 534 – Faheem acted for the applicants in relation to application for court approval of proposed settlement of a class action for underpayment of employees – led by T Lynch SC.

Allied Express Pty Limited v Punj & Ors (2022) – Faheem acted for the defendant in restraint of trade proceeding in the Supreme Court of NSW brought by his former employer. The proceedings settled prior to hearing – unled.

Joshua Austin v AGL Energy Limited [2021] FWC 5910 – Faheem acted for the applicant in unfair dismissal proceedings. 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.

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.

NOTABLE CASES - CONTINUED

Willis Reinsurance v Fisher; Willis Reinsurance v Wang (2020) - Faheem acted for the plaintiff 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.