

CURRICULUM VITAE

Nicholas Hogan

Barrister-at-law

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EDUCATION

BA, LLB (Sydney) 1997

AREAS OF PRACTICE

Insurance, Negligence, Commercial, Family, Administrative Law, Coronial

PROFESSIONAL HISTORY

1999 - 2009 **Solicitor**

2010 - 2022 **Barrister**

I have a broad practice with a focus on Insurance Law and negligence litigation. In particular, I have appeared and/or advised in:

- Numerous public liability hearings in the District Court of NSW and Supreme Court of NSW on behalf of various defendant municipal councils and government, including Sydney Trains and Transport for NSW. My work in this area includes a successful appeal to the NSW Court of Appeal in *Sutherland Shire Council v Major* [2015] NSWCA 243.

- Subrogated recoveries brought by Allianz Insurance in respect of motor vehicle accidents and 3rd party property damage;
- Supreme, District Court and *PIC* proceedings under the *Motor Accidents Compensation Act* briefed by NRMA panel firms;
- Administrative law appeals to the Supreme Court of NSW;
- Property damage matters in the District Court of NSW involving insurance fraud and related issues under the *Insurance Contracts Act* (including duty of good faith, material non-disclosure and fraud);
- Various coronial inquests on behalf of local councils; and
- First instance and appeal proceedings in NCAT.

PUBLICATIONS AND MEMBERSHIPS

I am a member of the panel of barristers for the NRMA and am regularly briefed by national panel firms in CTP and public liability matters for that insurer including Sparke Helmore, McCabes and Hall and Wilcox.

I have presented papers at the College of Law and Legalwise on such topics as section 5D of the *Civil Liability Act 2005*, expert evidence, psychiatric injury and *Negligence and Public Authorities* (seminar papers available on request). I also frequently publish case notes and like material within my area of expertise on my blog, thebluebag.com.au.

NOTABLE DECISIONS

NSW Court of Appeal

Sutherland Shire Council v Major [2015] NSWCA 243

Successful appeal of first instance proceedings in which I appeared for the Council in the NSW District Court. Led by Robert Sheldon SC.

Supreme Court of New South Wales

Collinson v Paxus [2022] NSWSC 438 (no 3)

Successful determination of a separate question surrounding interpretation of a deed of settlement. Led by Kevin Andronos SC.

Collinson v Paxus Australia [2021] NSWSC 1032 (no 2)

Successful defence of application to amend pleadings raising novel issues surrounding solicitor undertakings, agency and abuse of process.

International Fashion Group Pty Ltd v Jonco Imports Pty Ltd [2014] NSWSC 60

Appeal from a Local Court decision – Administrative law – procedural fairness

Miles v Motor Accident Authority [2013] NSWSC 927 (led)

Administrative Law – Motor Accidents Compensation Act – judicial review

Warren v Dickson [2011] NSWSC 79 (led)

Contracts - Repudiation – employment law

District Court of NSW

El Hallak v Sydney Trains [2020] NSWDC 374

I appeared for Sydney Trains in proceedings raising issues surrounding occupier's liability and achieved a verdict based principally on adverse findings of credit achieved in cross-examination.

New South Wales Civil and Administrative Tribunal

Giro Constructions Pty Ltd v Smith [2015] NSWCATAP 213 and 214

Appeal proceedings – building dispute- adequacy of reasons – sufficiency of evidence – procedural fairness – costs – miscarriage in the exercise of discretion

BHR and BHS v Biripi Aboriginal Children's Services [2015] NSWCATAD 25

Administrative Law - administrative review - care and protection

Refalo Pty Limited v Don Scott Thoroughbreds [2013] NSWCTTT 489

Agricultural Tenancy – contracts - specific performance - damages - betterment

Coronial

Inquest into the death of Jason Thomson

Coronial Law – cause and manner of death – road accident – police chase

Inquest into the death of Scott Grayling

Coronial Law – cause and manner of death – pedestrian accident