

PRACTICE AREAS

- Insurance & policy interpretation
- Public & product liability
- Medical negligence
- CTP/Motor accidents
- Work injury damages & 151Z
- Coronial inquests & inquiries
- Administrative law
- Appellate law

QUALIFICATIONS

- BA (Sydney University), LLB (University of NSW)

EXPERIENCE

Ben commenced practice as a solicitor in 2000 and joined the bar in 2013. He acts for insurers, underwriters, and insured parties across all lines of insurance. Ben appears in all NSW and appellate courts as well as in the ACT. He also appears on behalf of statutory insurers in the NSW Personal Injury Commission.

Ben has over twenty years' experience acting for insurers. His practice involves both advice and appearance work and he regularly appears unled against senior counsel in complex hearings (often involving complicated liability disputes as well as catastrophic and fraudulent claims).

Prior to joining the bar, Ben practised as a solicitor specialising in insurance litigation at DLA Piper/Phillips Fox, Sparke Helmore and Abbott Tout.

SOME CASES

Insurance Australia Ltd v Allianz Australia Insurance Ltd [2022] ACTSC 75 (successful double insurance proceedings)

Raad v Cossey [2022] NSWDC 59 (liability dispute – judgment for the defendant)

Seselja v Reardon [2020] ACTSC 167 (agony of the moment – judgment for the defendant on appeal)

Bevan v Coolahan [2019] NSWCA 217 (joint illegal enterprise – judgment for the defendant)

SOME CASES (cont.)

Mathews v Schuler [2019] NSWDC 203 (motor accident proceedings)

Simoes v Kel Campbell Pty Ltd; Simoes v Moon [2018] NSWCA 284 (motor accident liability dispute – judgment in favour of the defendant driver)

IAG Ltd t/as NRMA Insurance v Abiad [2018] NSWSC 1422 (judicial review of a decision by a claims assessor – decision successfully quashed on insurer’s application)

Bamber v Hartman Pacific Pty Ltd [2018] NSWCA 248 (Australian Consumer Law/defective product claim)

Argo Managing Agency Ltd v Al Kammessy [2018] NSWCA 176 (public liability proceedings against cleaners - judgment for the liability insurer)

Woolworths Ltd v McQuillan [2017] NSWCA 202 (public liability proceedings against supermarket operator and occupier – judgment for Woolworths)

The Nominal Defendant v Buck Cooper [2017] NSWCA 280 (liability dispute relating to intoxicated motorcyclist who suffered catastrophic injuries)

Fairall v Hobbs [2017] NSWCA 82 (liability dispute relating to an injured horse rider – judgment for the defendant/insurer)

Pryce v Dunlap (No 2) [2016] ACTSC 353 (motor accident proceedings)

Hage-Fairbrother v West [2016] NSWDC 334 (public liability proceedings)

Hendricks v El Dik (No 4) [2016] ACTSC 160 (liability dispute relating to a bicyclist rendered quadriplegic);

IAG Limited v Ozdemir & Ors [2016] NSWSC 756 (administrative law – judicial review of a decision by a claims assessor)

Georges v Soutter [2016] NSWDC 9 (motor accident proceedings)

Rail Corporation NSW v King [2014] NSWCA 207 (public liability proceedings by a commuter– judgment in favour of RailCorp)

Collins v Clarence Valley Council No 3 [2013] NSWSC 1682 (public liability proceedings by a cyclist – judgment in favour of Council)

IAG Limited v Riley [2013] NSWSC 684 (judicial review of a decision by a MAS review panel – decision successfully quashed on insurer’s application)
