



Tim Hackett

Barrister

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Areas of Practice

Administrative Law & Public Law
Bushfire & Government Litigation
Commercial Litigation
Disciplinary Proceedings
Commissions of Inquiry & Inquests
Insurance Litigation
Medical Negligence & Health Law
Professional Liability & Property

Experience

I have been regularly briefed in hearings, inquiries, mediations and applications unled against senior counsel. I have also been briefed in the early stages of class actions, at this stage unled. I regularly act as a facilitator of expert conclaves in complex Supreme Court proceedings.

Extensive expertise in class actions including acting in 4 sets of bushfire litigation, Thredbo landslide and Hepatitis C litigation. Advised NSW Government agency on Royal Commission into Institutional Responses to Child Abuse. Special Counsel Curwoods, Legal Manager (Acting Executive Manager) GILD, Client Relationship Manager TfNSW Dispute Resolution, Inquiries, Administrative Law and TMF panels.

Particular expertise in Health policy- sat on NSW Open Disclosure Steering Committee, drafted submissions resulting in amendments to *Health Administration Act 1982 (NSW)* on RCA investigations and privilege. NSW delegate on the Federal e-Health and National Open Disclosure Standards. Sat on an expert panel *1st International Incident Disclosure Conference 2012*.

Master of Laws (University of Sydney) 1999 (majoring in Health Law).

Admissions

- Barrister- Supreme Court of NSW and High Court of Australia 2016
- Solicitor- Supreme Court of NSW and High Court of Australia 1993

Significant appearances at the Bar

Rotbonis bbt Dr Theo Rotbonis v Dr Lattimore (2016) NSWSC appeared with Weinstein SC and Richardson SC for defendant in 2 week hearing- judgment in favour of defendant.

Dr Amos v Western NSW Sydney Local Health District [2016] NSWSC 1162 appeared with Richardson SC for defendant in administrative law matter- judgment in favour of defendant.

Hobson v Northern Sydney Local Health District & Ors [2017] NSWSC 589 appeared at trial (led by S Woods) for D2- successful on appeal (*Sparks v Hobson; Gray v Hobson* [2018] NSWCA 29)- special leave to HCA denied.

R v Obeid (2016) (No 11) NSWSC 974 wilful misconduct in public office and sentencing hearing with P Neil SC & S Beckett- criminal reading and contributed to submissions on sentencing.

CDZ & CEA v Commissioner of Victims Rights [2016] NSWCATAD 157 (unled).

El-Mouelhy v Reid [2017] NSWSC 623 Motion- judgment ordered only 3 of 84 interrogatories be administered on defendant client, appeared (unled) against Romaniuk SC.

Dollars R Us v Qiu- 3 day Local Court hearing on breach of confidentiality under contract and intentional tort related to cyber bullying- judgment of Pearce LCM in favour of client in both proceedings (unled).

Selby v Selby- appeared on 5 day hearing of a parenting application in the Family Court (unled).

Eastbury v Genea Limited [2017] NSWSC 1289 advance s192A *Evidence Act* ruling on admissibility of expert report (unled); and 2 week hearing of first tranche of wrongful birth proceedings related to genetic diagnosis of Fragile X syndrome (led by Weinstein SC) resolved during trial.

Williamson v Dr Green & Ors - 7 day expedited Supreme Court hearing (led by Menzies QC)- resolved at trial.

Appeared (unled) for a defendant doctor in medical negligence proceedings in which the plaintiff alleged spoliation of evidence, plaintiff's application was ultimately dismissed.

Aram Yousif v State of NSW & Anor- appeared (unled) for plaintiff in successful Summons for preliminary discovery before Fagan J in Supreme Court- unreported.

Briefed to appear for a defendant doctor (unled against senior counsel) in medical negligence proceedings- resolved the day before 5-day hearing in March 2018 Newcastle District Court sittings.

Briefed to appear for a defendant strata manager (unled) in a 3-day hearing in the District Court listed 1 May 2018- proceedings dismissed and indemnity costs order obtained.

Briefed to appear (unled) for defendant doctor in District Court proceedings listed for hearing on 5 June 2018- resolved favourably shortly prior to trial.

Briefed to appear (unled) on hearing for plaintiff in commercial proceedings relating to breach of contract, restraint of trade and intellectual property rights on 20 August 2018 judgment and indemnity costs obtained.

Briefed to appear (unled) for a specialist doctor at *Inquest into the disappearance and suspected death of Christine Young*- hearing before Deputy State Coroner O'Sullivan 4 – 7 September 2018.

Briefed to appear (unled) for family at *Inquest into the death of DH* hearing before State Coroner Mabbutt on 2 - 4 October 2018.

Appeared for two defendant doctors (led by Weinstein SC) in Supreme Court proceedings listed for 4 weeks commencing 5 November 2018.

Appeared for two doctors (unled against senior counsel) at *Inquest into death of Thomas Redman* heard for 2 days from 16 May 2018 and continuing 6 – 8 March 2019.

Briefed to appear for party of interest in coronial investigation into recent large bushfire event in NSW (unled).

Briefed to appear for family (unled) at *Inquest into the death of Rebecca Rich* listed for hearing 3 - 5 December 2018.

Selected judgments as a solicitor

Acted for NSW Ministerial Office in 2016 equity proceedings- successfully obtained multi-million dollar Freezing Orders and debt recovery following failure to account in agreement involving corporation in Zurich.

Zhang v ROC Services (NSW) Pty Ltd; National Transport Insurance by its manager NTI Ltd v Zhang [2016] NSWCA 370 – professional indemnity claim by a paraplegic plaintiff. Judgment for client installers of hydraulic system on a trailer. Subject of application for special leave to HCA on question of indemnity under insurance contract.

Kuypers v Ashton Coal Operations Pty Ltd & Anor (No 8) (2015) NSWSC 1284 – acted for a mine in respect of claim by a tetraplegic plaintiff in a mine explosion.

Warragamba Winery & Ors v State of NSW & Anor (No. 9) (2012) NSWSC 701 – bushfire litigation successfully defended against 25 plaintiffs after a 90 day hearing (instructing Walker SC initially and King SC at trial).

GSAHS v Dr Angus (2007) NSWSC 1211- cerebral palsy matter- contribution claim by GSAHS against VMO Obstetrician.

Worley v Ambulance Service NSW (2006) NSWCA 102- judgment for plaintiff overturned on appeal. High Court Special Leave application defeated.

Arabian Horses Inc v Sydney Olympic Authority (2005) NSWCA 210- authority on the issue of indemnity when the interest of an insured is noted on an insurance contract.

Aymost & Hecher v State of NSW (2004) NSWSC 1309- Thredbo Landslide commercial litigation instructing Garling SC (as he then was).

Selected Commissions of Inquiry as a solicitor

Royal Commission into Institutional Responses to Child Sexual Abuse

Tama Galiere, Deputy State Coroner Dillon on 9 May 2014

Elijah Slankovic, Deputy State Coroner Forbes on 19 April 2013

Joshua Elliott, Deputy State Coroner Mitchell on 17 February 2012

Draytons Winery Inquiry, Deputy State Coroner Dillon on 13 July 2011

Kundai Chiundizga, State Coroner Freund on 16 September 2011

Several Bushfire Inquiries acting for NSW Rural Fire Service

Appeared as solicitor advocate in backpacker fire inquiry involving death of burns victim