

Jeremy Harrison

Barrister

Jeremy Harrison practices in administrative law, contract law, insurance law, negligence, critical illness life insurance, total and permanent disablement, and the recovery of compensation

He has acted on behalf of life insurers in more than seventy claims for total and permanent disability benefits, and he acts for other insurers in negligence and related matters

He performs advice, mediation, trial and appellate work, and he accepts briefs in all areas of civil law, including direct access briefs

Jeremy was called to New South Wales Bar in 2016 and he was admitted as Legal Practitioner of Supreme Court of NSW in 2000

He was admitted with the degree of Bachelor of Laws by the University of Technology, Sydney and the degree of Master of Laws by the University of Sydney

Past and current cases include as follows:

Administrative Law

McEwan v Comcare [2023] FCA 447 – Error of law – Fail apply legislative provision – Led by J Morris SC

McEwan v Comcare [2022] AATA 1586 – Challenge decision made under legislation – Four-day trial – Unled

Australian Vaccination-Risks Network Incorporated v Secretary, Department of Health [2022] FCAFC 135 – Standing – Use of evidence – Led by M Robinson SC

Australian Vaccination-Risks Network Incorporated v Secretary, Department of Health [2022] FCA 320 – Challenge decision made under legislation – Mandamus – Judicial review – Led by M Robinson SC

MetLife Insurance Ltd v Hart & Ors [2021] FCA 410 – Successful appeal – Error of law – Application of insurance contract – Constructive rejection of claim – Transfer of liability between insurers – Led by N Williams SC, for insurer

Contract Law

Ye & Anor v Chen – Unreported decision of Supreme Court of NSW (McNaughton J) made 10 April 2024 – Successful application for release of moneys held on trust

Chen v Ye & Anor – 2023 – Application for assessment of ordered costs – on papers

Ye v Chen (No 2) [2023] NSWCA 9; *Ye v Chen* [2022] NSWCA 219 – Successful defence – Construction of contract – Unled, against Senior Counsel

Ye v Chen – Unreported decision of Court of Appeal of Supreme Court of NSW (Brereton JA) made 9 June 2022 – Successful application for freezing orders – Unled

Ye v Chen [2022] NSWSC 494; *Ye v Chen (No 2)* [2022] NSWSC 630; *Ye v Chen (No 3)* [2022] NSWSC 761 – Successful defence – Procedural fairness – Construction of contract – Indemnity costs – Unled

Ye v Chen [2021] NSWSC 1098; *Ye v Chen (No 2)* [2021] NSWSC 1265 – Application to dismiss – Security for costs – Unled

Ye v Chen [2021] NSWSC 272 – Successful application for freezing orders – Unled

Chen v Ye & Anor – Unreported decision of Local Court of NSW (Stapleton LCM) dated 11 December 2020 – Five-day trial – Contract of guarantee – Credibility evidence – Unled, for successful plaintiff

Chubb Insurance Australia Ltd v Ali & Anor – Insurance contract – Fraud – Unjust enrichment – Duty of utmost good faith – Settled in 2021 – Unled, for insurer

Kenyon & Ors v QBE Insurance (Australia) Ltd – Property insurance – Vindictory damages – Enforce contested settlement – Settled following interlocutory application – Unled, for insurer

Negligence

Stuart Solutions Pty Ltd v Frutex Australia Pty Ltd – Recovery of compensation – Negligent operation of forklift – On foot in Common Law Division of Supreme Court of NSW – Unled, for insurer

Workers Compensation Nominal Insurer v Dynamic Concrete Pumping Services Pty Ltd – Recovery of compensation – Negligent provision of concrete pump – Ongoing – Unled, for insurer

Mason Rural Enterprises Pty Ltd v Karl McLauchlan – Recovery of death benefit – Negligent driving of motor vehicle – Settled 2024 – Unled, for insurer

Ross v NSW Self-Insurance Corporation; Ross v Surf Life Saving Australia Ltd & Ors – Advised in 2023 on *Workers Compensation (Bushfire, Emergency and Rescue Services) Act 1987* (NSW), *Workers Compensation (Bushfire, Emergency and Rescue Services) Regulation 2017* (NSW) and *Workers Compensation Act 1987* (NSW)

Munz v O'Hara & Ors – Medical negligence – Pathologist – General Practitioner – Mis-diagnosis – Death – Settled in 2022 – Led by B Dooley SC

Parnell v Chelmsford Hotel Kurri Kurri Pty Ltd – Negligent occupier – Personal injury – Settled in 2022 – Unled

Workers Compensation Nominal Insurer v Cubic Construction Management Pty Ltd – Occupier's duty – Head contractor on construction site – Settled at mediation in 2022 – Unled, for insurer

Labour Solutions Pty Ltd v Hayne – Recovery of compensation – Negligent operation of machinery – Settled in 2022 – Unled, for insurer

Portland Group Pty Ltd v Nominal Defendant – Recovery of compensation – Negligent unidentified driver of motor vehicle – Settled after mediation in 2022 – Unled, for insurer

Arndell v Old Bar Beach Festival Incorporated; Cox v Mid-Coast Council [2020] NSWSC 1710 – Public authority – Dangerous recreational activity – Two-week trial – Oral argument on admissibility of expert evidence – Appealed [2021] NSWCA 190 – Led by R Royle

Arriagada v Prodigy Property Services Pty Ltd – Negligent beautician – Preliminary discovery – Denial of indemnity by insurer – Complaint to Australian Financial Complaints Authority – Settled in 2021 – Unled

Kordovan (No.9) Pty Ltd v A.M.Y Supplies Pty Ltd – Recovery of compensation – Negligent driver on construction site – Settled in 2021 – Unled, for insurer

Workers Compensation Nominal Insurer v Structural Steel Fabricators Pty Ltd & Anor – Recovery of compensation – Negligent occupier of factory – Negligent labour-hire company – Settled in 2021 – Unled, for insurer

Life Insurance

MLC Limited v Preuss; Preuss v MLC Ltd – Total and permanent disability benefit – Benefit paid based on mistake of fact – Fraud – On foot in Equity Division of Supreme Court of NSW – Unled, for insurer

Tracy v TAL Life Insurance Services Ltd – Trauma insurance – Critical illness insurance – Policy definition of “Stroke” – 6-Day trial in Equity Division of Supreme Court of NSW commencing 12 August 2024 – for insurer

Murphy, McCarthy & Associates Pty Ltd v Zurich Australia Ltd – Judgment reserved – Proper construction of “Own Occupation” in life insurance policy definition of “Own Occupation Total and Permanent Disablement” – Led by D Lloyd SC, for insurer

Bryant v Aware Super and MetLife Insurance Ltd – Quantum of total and permanent disablement benefit – Application of case law – On foot in Australian Financial Complaints Authority – Unled, for insurer

Hart v MetLife Insurance Ltd [2023] NSWCA 230; *Hart v MetLife Insurance Ltd (No 2)* [2023] NSWCA 293 – Role of court where first limb of life insurance policy definition of total and permanent disablement not satisfied – Claim in debt – Led by S Lloyd SC, for insurer

Gadd v MetLife Insurance Ltd – Claim for total and permanent disablement benefits by former officer of NSW Police Force – Settled at mediation in 2023 – Unled, for insurer

Rich v MetLife Insurance Ltd – Claim for total and permanent disablement benefits by former officer of NSW Police Force – Settled following mediation in 2023 – Unled, for insurer

Adam v Aware Super Pty Ltd and Another – Successful claim for total and permanent disability benefit – Resolved 2023 – Unled, for claimant

Hafezi v United Super Pty Ltd and TAL Life Ltd – Advised in 2022 on appeal to Federal Court of Australia – Error of law – Decision by Australian Financial Complaints Authority – Unled, for insurer

Hart v MetLife Insurance Ltd [2022] NSWSC 1157 – Success for insurer on separate questions – Whether insurer breached duty by declining claim for total and permanent disablement benefit – Whether insurer breached duty by failing to reconsider – Led by S Lloyd SC, for insurer

Hart v MetLife Insurance Ltd [2022] NSWSC 1251 – Success for insurer obtaining special liberty to apply to restrain plaintiff – Led by S Lloyd SC, for insurer

Martin v MetLife Insurance Ltd – Whether life insurance policy definition of total and permanent disablement satisfied – Settled in 2022 – Led by S Gray, for insurer

Lecky v Aware Super Pty Ltd & Anor – Australian Financial Complaints Authority Case Numbers 801607 & 821989 [2021] – Successful application to remove matter from AFCA’s jurisdiction – Time limitation period – Unled, for insurer

Sharman v MetLife Insurance Ltd [2021] NSWSC 1199 – Application for medical examinations – Unled, for insurer

Workers Compensation Nominal Insurer v Baiada Poultry Pty Ltd – Transfer proceedings to Supreme Court of NSW – Recovery of compensation – Negligent occupier – Settled in 2021 – Unled, for insurer

Workers Compensation Nominal Insurer v Benton – Recovery of compensation – Negligent occupier – Settled in 2021 – Unled, for insurer

Lee v Lakic – Negligent dentist – Advice on personal injury in 2021 – Unled

Newling v FSS Trustee Corporation & Anor [2017] NSWSC 1839 – Successful application for preliminary determination of separate questions – Unled, for insurer

Newling v FSS Trustee Corporation & Anor (No 2) [2018] NSWSC 1405 – Success for insurer on separate questions – Whether insurer breached duty in assessing claim for total and permanent disablement benefit – Led by S J Walsh, for insurer – Upheld on appeal [2019] NSWCA 149

Murphy v Millennium Hi-Tech Group Pty Ltd – Unreported decision of District Court of NSW (Robison DCJ) – Slip and fall in shopping centre – Appear for cleaning contractor – Eight-day trial – Unled, for insurer

Royal Commission of Public Inquiry

Royal Commission into Misconduct in Banking, Superannuation and Financial Services Industry – Instructed by Minter Ellison – Confer with Chief Claims Officer and Chief Distribution Officer of insurer – Prepare responses to rubrics – Led by S J Walsh

Defamation

Darwin & Ors v Norman [2020] NSWSC 357 – Defamatory matter published in newspaper and online – Whether imputations conveyed – Justification – Unled

National Disability Insurance Scheme

Appearances in Supreme Court of NSW – Seven sets of proceedings – Applications for approval of proposed settlement of catastrophic medical negligence proceedings – Compensation Reduction Amount – Recoverable Amount – Unled, for National Disability Insurance Agency

Wednesday, 12 June 2024