

Jeremy Harrison

Barrister

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

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

Jeremy has acted on behalf of life insurers in more than seventy (70) claims for total and permanent disability benefits

Jeremy also acts for other insurers in negligence and related matters

Most recently, Jeremy acted for a life insurer that successfully defended a claim for a multi-million-dollar own occupation total and permanent disability benefit, *Murphy, McCarthy & Associates Pty Ltd v Zurich Australia Ltd* [2024] NSWSC 1203 (25 September 2024)

Jeremy was called to New South Wales Bar in 2016 and since then has practiced from 4 Wentworth Chambers

He was admitted as Legal Practitioner of Supreme Court of NSW in 2000 and he has been 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

Selected Cases

ADMINISTRATIVE LAW

<i>McEwan v Comcare</i> [2023] FCA 447	Error of law – Fail apply legislative provision – Led by J Morris SC
<i>McEwan v Comcare</i> [2022] AATA 1586	Challenge decision made under legislation – Four-day trial – Unled
<i>Australian Vaccination-Risks Network Incorporated v Secretary, Department of Health</i> [2022] FCAFC 135	Standing – Use of evidence – Led by M Robinson SC
<i>Australian Vaccination-Risks Network Incorporated v Secretary, Department of Health</i> [2022] FCA 320	Challenge decision made under legislation – Mandamus – Judicial review – Led by M Robinson SC
<i>MetLife Insurance Ltd v Hart & Ors</i> [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

<i>Ye & Anor v Chen</i> – Unreported decision of Supreme Court of New South Wales (McNaughton J) made 10 April 2024	Successful application for release of moneys held on trust
<i>Chen v Ye & Anor</i> – Supreme Court of New South Wales Assessment No: 2023/91054	Application for assessment of ordered costs
<i>Ye v Chen (No 2)</i> [2023] NSWCA 9; <i>Ye v Chen</i> [2022] NSWCA 219	Successful defence on appeal in Supreme Court of New South Wales Court of Appeal – Construction of contract – Unled, against Senior Counsel
<i>Ye v Chen</i> – Unreported decision of Supreme Court of New South Wales Court of Appeal (Brereton JA) made 9 June 2022	Successful application for freezing orders – Unled
<i>Ye v Chen</i> [2022] NSWSC 494; <i>Ye v Chen (No 2)</i> [2022] NSWSC 630; <i>Ye v Chen (No 3)</i> [2022] NSWSC 761	Successful defence – Procedural fairness – Construction of contract – Indemnity costs – Unled
<i>Ye v Chen</i> [2021] NSWSC 1098; <i>Ye v Chen (No 2)</i> [2021] NSWSC 1265	Application to dismiss – Security for costs – Unled
<i>Ye v Chen</i> [2021] NSWSC 272	Successful application for freezing orders – Unled
<i>Chen v Ye & Anor</i> – Unreported decision of Local Court of New South Wales (Stapleton LCM) dated 11 December 2020	Five-day trial – Contract of guarantee – Credibility evidence – Unled, for successful plaintiff
<i>Chubb Insurance Australia Ltd v Ali & Anor</i>	Insurance contract – Fraud – Unjust enrichment – Duty of utmost good faith – Settled in 2021 – Unled, for insurer
<i>Kenyon & Ors v QBE Insurance (Australia) Ltd</i>	Property insurance – Vindictory damages – Enforce contested settlement – Settled following interlocutory application – Unled, for insurer

NEGLIGENCE

<i>Stuart Solutions Pty Ltd v Frutex Australia Pty Ltd</i>	Recovery of compensation – Negligent operation of forklift – On foot in Common Law Division of Supreme Court of New South Wales – Unled, for insurer
<i>Workers Compensation Nominal Insurer v Dynamic Concrete Pumping Services Pty Ltd</i>	Recovery of compensation – Negligent provision of concrete pump – Ongoing – Unled, for insurer
<i>Mason Rural Enterprises Pty Ltd v Karl McLaughlan</i>	Recovery of death benefit – Negligent driving of motor vehicle – Settled 2024 – Unled, for insurer
<i>Ross v NSW Self-Insurance Corporation; Ross v Surf Life Saving Australia Ltd & Ors</i>	Advised in 2023 on <i>Workers Compensation (Bushfire, Emergency and Rescue Services) Act</i>

	<i>1987 (NSW), Workers Compensation (Bushfire, Emergency and Rescue Services) Regulation 2017 (NSW) and Workers Compensation Act 1987 (NSW)</i>
<i>Munz v O’Hara & Ors</i>	Medical negligence – Pathologist – General Practitioner – Mis-diagnosis – Death – Settled in 2022 – Led by B Dooley SC
<i>Parnell v Chelmsford Hotel Kurri Kurri Pty Ltd</i>	Negligent occupier – Personal injury – Settled in 2022 – Unled
<i>Workers Compensation Nominal Insurer v Cubic Construction Management Pty Ltd</i>	Occupier’s duty – Head contractor on construction site – Settled at mediation in 2022 – Unled, for insurer
<i>Labour Solutions Pty Ltd v Hayne</i>	Recovery of compensation – Negligent operation of machinery – Settled in 2022 – Unled, for insurer
<i>Portland Group Pty Ltd v Nominal Defendant</i>	Recovery of compensation – Negligent unidentified driver of motor vehicle – Settled after mediation in 2022 – Unled, for insurer
<i>Arndell v Old Bar Beach Festival Incorporated; Cox v Mid-Coast Council [2020] NSWSC 1710</i>	Public authority – Dangerous recreational activity – Two-week trial – Oral argument on admissibility of expert evidence – Appealed [2021] NSWCA 190 – Led by R Royle
<i>Arriagada v Prodigy Property Services Pty Ltd</i>	Negligent beautician – Preliminary discovery – Denial of indemnity by insurer – Complaint to Australian Financial Complaints Authority – Settled in 2021 – Unled
<i>Kordovan (No.9) Pty Ltd v A.M.Y Supplies Pty Ltd</i>	Recovery of compensation – Negligent driver on construction site – Settled in 2021 – Unled, for insurer
<i>Workers Compensation Nominal Insurer v Structural Steel Fabricators Pty Ltd & Anor</i>	Recovery of compensation – Negligent occupier of factory – Negligent labour-hire company – Settled in 2021 – Unled, for insurer
<i>Workers Compensation Nominal Insurer v Baiada Poultry Pty Ltd</i>	Transfer proceedings to Supreme Court of New South Wales – Recovery of compensation – Negligent occupier – Settled in 2021 – Unled, for insurer
<i>Workers Compensation Nominal Insurer v Benton</i>	Recovery of compensation – Negligent occupier – Settled in 2021 – Unled, for insurer
<i>Lee v Lacic</i>	Negligent dentist – Advised in 2021 on personal injury – Unled
<i>Murphy v Millennium Hi-Tech Group Pty Ltd</i>	Unreported decision of District Court of New South Wales (Robison DCJ) – Slip and fall in shopping centre – Appear for cleaning contractor – Eight-day trial – Unled, for insurer

LIFE INSURANCE

<i>Murphy, McCarthy & Associates Pty Ltd v Zurich Australia Ltd</i> [2024] NSWSC 1203 (25 September 2024)	Successful defence of claim for multi-million-dollar Own Occupation Total and Permanent Disability benefit – Proper construction of ‘Own Occupation’ in life insurance policy definition of ‘Own Occupation Total and Permanent Disablement’ – Led by D Lloyd SC, for insurer
<i>MLC Limited v Preuss; Preuss v MLC Ltd</i>	Total and permanent disability benefit – Fraud – Benefit paid based on mistake of fact – Two sets of proceedings on foot in Equity Division of Supreme Court of New South Wales – Unled, for insurer
<i>Tracy v TAL Life Insurance Services Ltd</i>	Trauma insurance – Critical illness insurance – Policy definition of ‘Stroke’ – 6-Day trial in Equity Division of Supreme Court of New South Wales commencing 12 August 2024 – Settled – Led by D Lloyd SC – for insurer
<i>Bryant v Aware Super and MetLife Insurance Ltd</i>	Quantum of total and permanent disablement benefit – Application of case law – On foot in Australian Financial Complaints Authority – Unled, for insurer
<i>Hart v MetLife Insurance Ltd</i> [2023] NSWCA 230; <i>Hart v MetLife Insurance Ltd (No 2)</i> [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
<i>Gadd v MetLife Insurance Ltd</i>	Claim for total and permanent disablement benefits by former officer of NSW Police Force – Settled at mediation in 2023 – Unled, for insurer
<i>Rich v MetLife Insurance Ltd</i>	Claim for total and permanent disablement benefits by former officer of NSW Police Force – Settled following mediation in 2023 – Unled, for insurer
<i>Adam v Aware Super Pty Ltd and Anor</i>	Successful claim for total and permanent disability benefit – Resolved 2023 – Unled, for claimant
<i>Hafezi v United Super Pty Ltd and TAL Life Ltd</i>	Advised in 2022 on appeal to Federal Court of Australia – Error of law – Decision by Australian Financial Complaints Authority – Unled, for insurer
<i>Hart v MetLife Insurance Ltd</i> [2022] NSWSC 1157	Success for insurer on determination of 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

Newling v FSS Trustee Corporation & Anor (No 2) [2018] NSWSC 1405

Success for insurer on determination of 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

Newling v FSS Trustee Corporation & Anor [2017] NSWSC 1839

Successful application for preliminary determination of separate questions – 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 New South Wales – 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, 9 October 2024.