

JEREMY L HARRISON, Barrister

Summarised Curriculum Vitae – May 2021

Jeremy accepts briefs in all areas of law including defamation and administrative law, but principally practices in areas of negligence and insurance law.

Jeremy has been a preferred junior counsel for MetLife Insurance Ltd since 2017 and his other clients include AAI Ltd, Chubb Insurance Australia Ltd and QBE Insurance (Australia) Ltd. He is also an approved counsel for the NSW Crown Solicitor's Office and he has been a preferred counsel for the National Disability Insurance Agency since 2018.

Jeremy was admitted to the NSW Bar in 2016 and was admitted as a Legal Practitioner in NSW in 2000. He is undertaking a Master of Laws (USYD) and holds a Bachelor of Laws (UTS).

Administrative Law

MetLife Insurance Ltd v Hart & Ors [2021] FCA 410 (30 April 2021). Error of law by the Superannuation Complaints Tribunal in applying an insurance contract. Successful appeal on all grounds on behalf of MetLife, led by Neil Williams SC. Continuing on remittal in the Australian Financial Complaints Authority.

Post-Graduate Study: 'Judicial Review: Principle, Policy and Procedure' lectured by Prof Margaret Allars, 2019. Published Article: 'Legal unreasonableness as a Ground of Judicial Review', 2019. Published Case Note: '*MetLife Insurance Ltd v Hart & Ors* [2021] FCA 410 (30 April 2021)'.

Child abuse

Niass v State of NSW [2020] NSWSC 1753 (10 December 2020). Application to amend statement of claim (ultimately successful). Unled.

Miller v The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle [2018] NSWSC 24. Successful defence of an application to strike out statement of claim. Unled. Ongoing.

Published Article: The Journal of the NSW Bar Association – Bar News 'The Civil Liability Act 2002 (NSW) and the new Part 1B Child abuse—liability of organisations', 2019.

Contract

Chen v Ye & Ors unreported decision of the Local Court of NSW on 8 December 2020. Breach of contract and guarantee. Successful outcome with an order for costs assessed on an indemnity basis. Unled 5-day trial, examined and cross-examined multiple witnesses, including via interpreters and via audio-visual links. Now on appeal in the Supreme Court of NSW.

Chubb Insurance Australia Ltd v Ali & Anor. Breach of insurance contract, fraud, unjust enrichment, duty of utmost good faith, *Insurance Contracts Act 1984*. Settled in 2021.

Kenyon & Ors v QBE Insurance (Australia) Ltd. Breach of indemnity policy of property insurance, vindictory damages, enforce contested settlement, *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015*, settled in 2019.

Published Article: The Journal of the NSW Bar Association – Bar News 'Civil Practice & Procedure Provisions, Recent Developments: *UBS AG v Scott Francis Tyne as Trustee of the Argot Trust* [2018] HCA 45' regarding abuse of process, 2019.

Defamation

Darwin & Ors v Norman [2020] NSWSC 357. Defamatory matter published in a newspaper and online. Whether pleaded imputations were conveyed. Defence of justification under s 25 of the *Defamation Act 2005*. Unled. Examined and cross-examined witnesses.

Post Graduate Units of Study: 'Media Law: Defamation and Privacy', 2019; and, 'Current Issues in Defamation Law', 2020, both lectured by Prof David Rolph. Achieved Distinction Grade in both Units of Study. Published Article: 'Guess Who's Back: The Reform of the Statutory

Defence of Contextual Truth in NSW', Law Society of NSW Journal, 2021. Published Case Note: '*Fairfax Media Publications; Nationwide News Pty Ltd; Australian News Channel Pty Ltd v Voller* [2020] NSWCA 102', 2020.

Negligence

Arndell v Old Bar Beach Festival Incorporated; Cox v Mid-Coast Council [2020] NSWSC 1710 (1 December 2020). Psychiatric injury, public authority, flying as dangerous recreational activity, *Civil Liability Act 2002*. Two-week trial led by Richard Royle. Argued in relation to the admissibility of expert evidence. Now on appeal in the NSW Supreme Court – Court of Appeal.

Munz v O'Hara & Ors. Ongoing in the Supreme Court of NSW. Medical negligence of pathologist, mis-diagnosis of cancer, causing death. *Compensation to Relatives Act 1897, Law Reform (Miscellaneous Provisions) Act 1944*.

Murphy v Millennium Hi-Tech Group Pty Ltd. Unreported decision of the NSW District Court on 12 December 2019. Slip and stumble in shopping centre, appeared for the contracted cleaner. Eight-day trial unled, cross-examined multiple witnesses. Advised in respect of an appeal.

Soakai Faiva v Trafalgar Building Products Pty Ltd. Application in the District Court of NSW to extend the time limitation period. Multi-day hearing. Settlement achieved for AAI Ltd.

Crescent Timber & Hardware Pty Ltd v Angelis & Ors unreported decision of the District Court of NSW, 2018. Successfully obtained orders for the recovery of all workers compensation payments under s 151Z of the *Workers Compensation Act 1987*, with interest and costs. Defendants became uninsured and bankrupt shortly before trial. Unled.

Post Graduate Study: 'The Statutory Foundations of Negligence' lectured by the Honourable Justice Mark Leeming, 2019. Published Case Note: *Parkes Shire Council v South West Helicopters Pty Ltd* [2019] HCA 14 involving the law of tort and the *Civil Aviation (Carriers' Liability) Act 1959*.

Royal Commission

Misconduct in the Banking, Superannuation and Financial Services Industry. Confer with the Chief Claims Officer and the Chief Distribution Officer of an insurer. Draft responses to rubrics, 2018.

Total & Permanent Disability

Sharman v MetLife Insurance Ltd. Ongoing in the Supreme Court of NSW. Unled.

Gadd v Aware Super Pty Ltd & Anor. Ongoing in the Supreme Court of NSW. Unled.

Newling v FSS Trustee Corporation and MetLife Insurance Ltd (No 2) [2018] NSWSC 1405. First occasion on which MetLife successfully defended proceedings on the basis that MetLife's initial decline of a claim was reasonable. Led by Stephen J Walsh. Subsequent appeal by plaintiff dismissed in *Newling v MetLife Insurance Ltd* [2019] NSWCA 149. *Newling v FSS Trustee Corporation and MetLife Insurance Ltd* [2017] NSWSC 1839. Successful application on behalf of MetLife for a hearing of an issue as a separate question. Unled.

Since 2017, Jeremy has provided ongoing advice in some 60 claims for Total & Permanent Disablement Benefits. The issues have concerned the nature of the duties on insurers, indemnity, prospects, strategy and quantum, and the forums have been the Federal Court, the Supreme Court of NSW, the Superannuation Complaints Tribunal, the Financial Ombudsman Service and the Australian Financial Complaints Authority.

Published Case Notes: '*Sandstrom v FSS Trustee Corporation & MetLife Insurance Ltd* [2020] NSWSC 200'; and, '*Newling v MetLife Insurance Ltd* [2019] NSWCA 149'. Both case notes addressed whether an insurer acted fairly and reasonably. Published Articles: Journal of Civil Litigation and Practice: '*Newling v FSS Trustee Corp (No 2)* [2018] NSWSC 1405', 2019; and, Law Society of NSW Journal: 'Total and permanent disability claims: NSWSC confirms insurers' responsibilities', 2018.

Prior practice as a solicitor in Sydney

Price Waterhouse Coopers Legal, DLA Piper Australia and HWL Ebsworth.

Further information available on request