

PHILIP LAURENCE CARR

PRACTICE AREAS AS COUNSEL

1. Insurance/Reinsurance disputes – acting for insureds against insurers and for insurers
2. Policy advice – TPD, Life insurance claims, Financial lines and professional indemnity disputes
3. Insurance related litigation, including professional negligence (solicitors, real estate agents, project managers, engineers, nurses, hospitals and medical practitioners), construction and building, product liability, general liability (hotel and security related disputes), motor accident/CARS assessment claims
4. Equity/ Family Provision/Succession Act/ Injunctions
5. Commercial Law - Trade Practices/ Australian Consumer Law related disputes and advices and Partnership and Joint Venture disputes
6. Mediations, Arbitrations and Expert Determinations
7. Administrative/ Migration Law
8. Inquiries – APRA, ASIC and the ACCC

EDUCATION

TERTIARY

The University of Sydney

1980 – Bachelor of Arts

1983 – Bachelor of Laws

ADMISSIONS

1983 Certificate in Practical Legal Training

Admitted to Practice as a Solicitor of the Supreme Court of New South Wales September 1982.

Practiced as a solicitor to February 2004 (22 years).

Admitted to the NSW Bar February 2004.

Nationally accredited Mediator 2013.

EMPLOYMENT HISTORY

Jan – July 1980

Associate to the Honourable Mr Justice RJB St John
Federal Court of Australia, Sydney

July 1980 – Jan 1981

Associate to the Honourable Mr Justice JA Kelly
Federal Court of Australia and ACT Supreme Court,
Canberra

Apr 1987 – Dec 1990

Solicitor
Phillips Fox

Areas of Practice

1. Professional negligence in the areas of Valuers/Real Estate Agents, Engineers, Architects and Solicitors
2. Liability of public authorities
3. Product liability
4. General liability
5. Insurance policy advices

Dec 1990 – July 1996

Partner
Watkins Tapsell

Areas of Practice

1. Professional negligence in the areas of Surveyors, Project Managers, Engineers and Insurance Brokers
2. Commercial litigation
3. Public liability

Aug 1996 – Oct 2000

Partner
Hicksons

Areas of Practice

1. Insurance law with particular emphasis on professional negligence in the areas of Insurance Brokers, Real Estate Agents, Engineers, Surveyors, Hospitals and Computer Consultants
2. Insurance Contracts Act matters involving construction of the Act and general claims handling
3. Insurance policy advices
4. Liability of public authorities
5. Trade Practices Act advices

6. Commercial disputes

Nov 2000 – July 2003

Partner
Hunt & Hunt

Areas of Practice

1. Insurance law with particular emphasis on professional negligence in the areas of Educational Institutions and general liability claims.
2. Reinsurance
3. Trade Practices Act

2004 – Date

Barrister at Law – 5 Wentworth Chambers, Sydney

**APPOINTMENTS PREVIOUSLY/
CURRENTLY HELD**

Nationally accredited mediator – 2013

Expert Determiner – NSW Bar Association – 2010 to date

District Court appointed arbitrator - 2013 to date

Workers Compensation Commission appointed Mediator 2014 - 2017

Court appointed mediator for the Federal Court of Australia (native title jurisdiction) – appointed May 2010 to date

Past Member of the Arbitration Committee of the Law Society

Past Chairman of the Education and Seminars Committee of the Australian Insurance Law Association and Committee Member of the Australian Insurance Law Association from 1995 to 2000

Past Member of the Australian Insurance Institute and the Australian Insurance Law Association (1990 – 2011).

Past Accredited Specialist in both Commercial Litigation and Advocacy (Commercial Litigation)

Past Early Neutral Evaluator for the Supreme Court of NSW (2000 to 2004)

Past Arbitrator of the District and Supreme Courts of NSW (2000 to 2004)

Past Court Appointed Mediator of the Dust Diseases Tribunal (2000 to 2004)

Past Member of a Professional Conduct Committee of the NSW Bar Association (2007 – 2009)

REPORTED CASES

Condon and Anor v Commissioner of Taxation and Ors [2004] NSWSC (14 June 2004) – On pleading/procedure under the *Corporations Act*.

SZPCW v Minister for Immigration and Multicultural & Indigenous Affairs [2005] FCA 3 May 2005 – On a question of administrative law error.

Thermasorb Pty Ltd v Rockdale Beef Pty Ltd [2005] NSWSC (19 April 2005) – On the question of the interstate transfer and consolidation of proceedings.

Fostif Pty Ltd v Campbells Cash & Carry Pty Ltd [2005] NSWCA 83 (31 March 2005) – On an issue of champerty and procedure.

Bassindale v Western Area Health Service [2006] NSWSC (12 July 2006) – On the question of the administration of Interrogatories and whether they were oppressive.

SZFWZ v Minister for Immigration & Multicultural Affairs [2007] FCA (21 February 2007) – On a question of administrative law error.

SZJCM V Minister for Immigration & Citizenship [2007] FCA (26 February 2007) – On the question of administrative law error.

SZIWW v Minister for Immigration & Citizenship [2007] FCA (26 February 2007) – On a question of administrative law error.

SZGZH v Minister for Immigration & Citizenship [2007] FCA (4 April 2007) – On a question of administrative law error.

Yerbury v Macquarie University [2007] NSWSC (15 June 2007) – On the question of undertakings as to confidentiality.

Bell v Veigel; Bell v Broughton; Broughton v Veigel [2008] NSWCA 36 (20 March 2008) – On the adequacy of reasons.

Kennett and Anor v Mayrana Pty Ltd and Ors (No 9) [2008] NSWIRCOMM 106 – On unfair contracts and expert evidence.

Davis v Veigel; Davis v Broughton; Bell v Veigel; Bell v Broughton [2011] NSWCA 170 (29 June 2011) – On the adequacy of reasons, primary judge's findings credit-based - whether alleged errors in primary judge's reasoning sufficient to vitiate decision and pleadings issue - UCPR r 14.14(2)(a).

ACCC v Renegade Gas and Ors [2014] Federal Court of Australia – cartel conduct and penalty hearing.

PAPERS/SEMINARS PRESENTED

“Pleadings – some observations” – Presented to the October 2009 Australian Lawyers Alliance conference at Sanctuary Cove,

“Drafting in Civil Litigation” – Presented to Legalwise seminars on 30 March 2007,

“The Preparation of Expert witnesses, exploring ethical issues” – Presented to Legalwise seminars in March 2006,

“Terrorism risk cover – a significant development” – Presented to the Lloyds market in London March 2003,

“The Civil Liability (Personal Responsibility) Act 2002” – presented to the Lloyds market in London in December 2002,

“Reinsurance – Section 6 of the Law Reform (Miscellaneous Provisions) Act 1946 NSW” – Presented to the Lloyds market in London, May 2002,

“Recent cases touching upon the Insurance Contracts Act” - Presented to the Lloyds market in London, May 2002,

“Legislative Reform of Tort Law in Australia” – presented to the Lloyds market in London, May 2002,

“Recent decisions on prejudice under the Insurance Contracts Act” presented at Hunt & Hunt solicitors October 2001 and to the Lloyds market in London in November 200,

“How an insurer can prove prejudice” – presented as a part of the “The Professor Kenneth Sutton Insurance Lectures” at Hunt & Hunt, 20 June 2001, and

“Proportionate Liability” – presented to the College of Law, Legalwise Seminars, the University of NSW, the University of Newcastle and the Newcastle Law Society and the Australian Lawyers Alliance in 2010, 2011, 2012 and 2013.

“Obtaining the best outcome for your client at mediation” – presented to Legalwise Seminar on 22 August 2014, Sydney.