

CURRICULUM VITAE - BEDE KELLHER

Bede Kelleher was called to the Bar in August 2003 after 7 years as a solicitor and general counsel at a major Sydney Insurance law firm.

He graduated from Sydney University with Honors Degrees in Arts and Law.

In 1994-1995 Bede was the Research Assistant and Tipstaff to Justice R. L. Hunter Supreme Court of New South Wales, Commercial Division

Bede practices across all jurisdictions primarily in common law actions including:

- Medical negligence
- Catastrophic Personal Injury
- Product liability
- Defamation
- Professional negligence
- Disciplinary Matters
- Life insurance
- General insurance
- Commercial disputes
- Aviation law and regulatory criminal law.

Bede also has significant experience in Commissions of Inquiries and Coronial Inquests and claims involving catastrophic injury.

List of Notable Cases

High Court of Australia

The Queen v. Edwards [2009] HCA 20 – defence of two pilots charged with reckless navigation

Gray v. Richards [2014] HCA 40 – fund management costs

NSW Court of Appeal

Sarkis v. Summit Broadway Pty Ltd t/as Sydney City Mitsubishi [2006] NSWCA 358 – liability for suicide

Flounders v. Millar [2007] NSWCA 238 - causation

O'Halloran v. Roth [2008] NSWCA 65 – errors in expert evidence findings

Mason v. Demasi [2009] NSWCA 227 – evidentiary weight of contemporaneous medical records

Nominal Defendant v. Staggs [2010] NSWCA 224 – obligations of statutory notice by CTP Insurers

Hoffman v. Boland [2013] NSWCA 158 – liability of parents/grandparents for injuries to children

Milne v. Ell [2014] NSWCA 407 – extrinsic facts in imputations

Endeavour Energy v. Precision Helicopters Pty Ltd & Ors [2015] NSWCA 169 – definition of “passenger” in *Civil Aviation (Carriers Liability) Act 1959* – novel duty of care and foreseeability – s.151Z apportionment

Endeavour Energy v. Precision Helicopters Pty Ltd & Ors (No. 2) [2015] NSWCA 357

Smith v NRMA Insurance Limited [2016] NSWCA 250 – appointment of a tutor

The Nominal Defendant v Cordin [2017] NSWCA 6 – setting aside findings of fact by a trial judge.

ACT Court of Appeal

Lucas v. NRMA Insurance Ltd [2005] ACTCA 34 – personal costs orders against legal practitioners

NSW Supreme Court

El Helou v. Smith [2009] NSWSC 741 – compelling parties to provide authorities

Checchia v. Insurance Australia Ltd t/as NRMA Insurance [2013] NSWSC 674 - fraud

Ell v. Milne (No. 7) [2013] NSWSC 600 – defamation and abuse of process for ulterior motive

Leighton Smith by his tutor Troy Smith v. NRMA Insurance Ltd [2014] NSWSC 1518 – inevitable accident

M v. Mental Health Tribunal & Ors [2015] NSWSC 1876 – appointment of a tutor for a litigant in person

Tagg v. Pickering [2015] NSWSC 1301 – form of imputations

Insurance Australia v. Milton [2015] NSWSC 1392 – administrative challenge to determination of Life Time Care Authority

Burberry v. Glaxo Wellcome and 17 Ors [2015] NSWSC 820 – separate determination of a point; complex product liability matters and limitation issues.

Stoner v. Jones [2015] NSWSC 585 – form of imputations

Stefanyszyn v Brown; Brown v Newcastle Private Hospital Pty Limited t/as Newcastle Private Hospital [2016] NSWSC 826 – contribution from a private hospital for death of a patient

Boorman & Ors v Glaxo Wellcome Australia Pty Ltd [2017] NSWSC 576 – successful application personal costs orders against legal representatives.

Cobie Ann Moore v Richard McKiernan [2017] NSWSC 1520 – application for direct joinder to proceedings of defendant's insurer by quadriplegic plaintiff injured in a balcony collapse case.

Administrative Decisions Tribunal

Burns v. Cunningham [2011] NSWADT – defence of vilification complaint based on honest opinion and freedom of political speech

Commissions of Inquiry

Junior Counsel with Needham SC for the Truth Justice and Healing Council in case studies involving the Archdiocese of Sydney and the YMCA, Diocese of Lismore, Diocese of Wollongong, a Queensland Diocese and the Christian Brothers in the Royal Commission into Institutional Responses to Child Sexual Assault.

Advising and Representing Life Without Barriers at the case study into Out Of Home Care in the Royal Commission into Institutional Responses to Child Sexual Assault.

Advising and Representing Soccer NSW at the case study into Sporting Institutions in the Royal Commission into Institutional Responses to Child Sexual Assault.

Coronial Hearings

Inquest into the Death of Melissa Standen – Advising and Representing Allowah Children's Hospital

Inquest into the Death of Braxton Slager – Advising and Representing a Foster Parent