

# Tim Hackett

Solicitor 1993

Barrister 2016

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Tim Hackett is a barrister with deep experience in complex litigation, class actions and high-profile commissions of inquiry. He is an acknowledged expert in all facets of health law and bushfire litigation. He has acted and appeared in leading cases in varied areas of law.

Tim is known for his forensic, collaborative and direct approach. His aptitude as an advocate exceeds his seniority at the bar. He regularly appears unled against senior counsel on hearings, applications and commissions of inquiry. He is a clear thinker and communicator, attuned to the pragmatic aspects of disputes, while fiercely advocating his client's position. Tim also readily identifies those cases in which discretion may be the better part of valour.

As a principal, Tim has led large-scale litigation teams, including successfully defending to judgment the first Australian case on the duty of care of fire authorities and land managers in response to a naturally-caused bushfire.

Tim appears both for government and corporate clients with reputational risk and commercial relationships, as well as for clients without a voice and for whom access to justice or cultural sensitivities may be a challenge. He actively listens to all stakeholders and champions respectful dealings with all comers.

Tim's sought-after advice led to his appointment to ministerial and corporate committees, and as a panellist at international conferences. He has been involved in shaping policy and legislation concerning disclosure of adverse incidents and statutory privilege for incident investigations in NSW Health.

Tim also has significant experience as a facilitator of expert conclaves in complex litigation. He appears in pro bono matters by arrangement and is a contributor to The Australian Pro Bono Manual: A practice guide and resource for law firms.

Outside chambers, Tim is a music obsessive and amateur DJ. Some of his sporting therapies include running and playing football with Sacred Heart Lions and Bar FC.

## QUALIFICATIONS

Master of Laws (Health Law) (Sydney) 1999

## SPECIALISATIONS

- Health law
- Class actions
- Bushfire litigation
- Commissions of inquiry
- Professional discipline
- Insurance law
- Common law

## CARRER HIGHLIGHTS

- Defending the first Australian case on duty of care related to naturally-caused bushfire. Currently appearing in bushfire inquiries and class actions.
- Appearing in leading appellate cases concerning duty of care in health law and the Royal Commission into Aged Care Quality and Safety.
- Appearing for indigenous families in inquests and deaths in custody.
- Appearing for doctors in successful reinstatements to practice, displacing previous findings of professional misconduct.
- Being appointed to ministerial committees and having the opportunity to become involved in shaping legislation on disclosing adverse incidents and statutory privilege.

## NOTABLE CASES

### Class actions/bushfire litigation

- Briefed for a Cross-Defendant in the Tathra 2018 bushfire class action- subrogated claims by four insurers (led by Goodman SC).
- **Inquiry into a bushfire at Reedy Swamp (Tathra NSW)**. Tim appeared for a party of interest in proceedings heard in August 2020 (led by Goodman SC).
- **Warragamba Winery & Ors v State of NSW & Anor (No. 9) (2012) NSWSC 701**. Tim acted in the first Australian case determining the duty of care of fire authorities and land managers in naturally occurring bushfires. Successfully defended the claim in a 90-day hearing involving 25 plaintiffs (instructing Walker SC and King SC at trial).
- Tim also acted in the Thredbo Landslide commercial litigation, and has acted in class actions related to medical products and bushfire litigation both in NSW and interstate.

## Professional liability and disciplinary matters

- Tim appeared for a fight doctor in civil proceedings following the death of a boxer in the 12th round of an IBF Regional Title which was subject of media attention and a non-fiction book (unled against senior counsel). The matter was resolved at mediation.
- **Rothonis bht Dr Theo Rothonis v Dr Lattimore (2016) NSWSC.** Tim successfully defended a cardiologist in this two-week hearing, appearing with Weinstein SC and Richardson SC.
- **Eastbury v Genea Limited [2017] NSWSC 1289.** Tim appeared for a defendant GP in a two-week hearing concerning wrongful birth proceedings related to genetic diagnosis of Fragile X syndrome (led by Weinstein SC).
- **Hobson v Northern Sydney Local Health District & Ors [2017] NSWSC 589.** Tim, led by S Woods, appeared at trial for a defendant surgeon and was successful in having the judgment overturned on appeal (*Sparks v Hobson; Gray v Hobson* [2018] NSWCA 29). Special leave to the High Court was denied.
- **Brennan v Medical Council of NSW [2020] NSWCATOD 100.** Tim appeared unled for the successful applicant in the hearing of an application for reinstatement of a de-registered medical practitioner.
- **Chen v Medical Council of NSW (reinstated but judgment reserved).** Tim appeared unled for the successful applicant in the hearing of an application for reinstatement of a de-registered medical practitioner.

## Public law

- **Dr Amos v Western NSW Sydney Local Health District [2016] NSWSC 1162.** Tim appeared with Richardson SC in an administrative law matter concerning a consultant's contract with a hospital.
- **R v Obeid (2016) (No 11) NSWSC 974.** Tim appeared in this high profile case concerning wilful misconduct in public office with P Neil SC and S Beckett, as well as the sentencing hearing. He contributed to drafting of submissions on sentencing.

## Commissions of inquiry

Tim has been briefed in a number of commissions of inquiry and has appeared (unled) in:

- **Inquest into the disappearance and suspected death of Christine Young.** Tim appeared for a specialist doctor before Deputy State Coroner O'Sullivan.
- **Inquest into the death of DH.** Tim appeared for the family of the deceased indigenous man before State Coroner Mabbutt (October 2018).
- **Inquest into the death of RR.** Tim was briefed to appear for the family of the deceased indigenous woman.(December 2018).
- **Inquest into the death of Lesley Arndell.** Tim appeared for 3 doctors in the inquest against senior counsel. (August 2019, November-December 2019).
- **Inquest into death of Thomas Redman.** Tim appeared two Westpac Helicopter retrieval doctors by against senior counsel (May 2018 and June 2019).
- **Inquest into the disappearance and suspected death of Christine Young.** Tim appeared for a specialist doctor before Deputy State Coroner O'Sullivan (September 2018).
- **Inquest into the death of Melissa King.** Tim appeared for a specialist doctor (April-May 2019).
- **Special Commission of Inquiry into the Drug 'Ice' with Gail Furness SC**

## Commissions of inquiry - continued

- **Inquiry into a bushfire at Reedy Swamp (Tathra NSW).** Tim appeared for a party of interest led by Goodman SC (August 2020 and November 2020).
- **Inquest into the death of Hazel Brockett.** Tim appeared for a party of interest (September 2019 and November 2019).
- **The Royal Commission into Aged Care Quality and Safety: BUPA South Hobart Case Study 13 - 15 November 2019 (counsel assisting Peter Rozen QC).** Tim appeared unled for BUPA Head of Operations.
- **Inquest into the death of Esteban Franco-Garces.** Tim appeared for a doctor in an inquest into the death of a neonate from sepsis at The Children's Hospital Westmead (February 2020).
- **Inquest into the death of Nathan Reynolds.** Tim appeared for a doctor in an inquest into the death of an indigenous man in custody (October 2020).
- **Inquest into the death of John Laurenson.** Tim is briefed to appear for 3 doctors in an inquest into the death of a man in custody 15 - 19 March 2020

## Commercial law and insurance

- **Zhang v ROC Services (NSW) Pty Ltd; National Transport Insurance by its manager NTI Ltd v Zhang [2016] NSWCA 370.** In this professional indemnity claim involving a paraplegic, judgment was obtained for the defendant company, which had installed a hydraulic system. The plaintiff was then refused special leave to the High Court on the issue of denial of indemnity under an insurance contract.
- **Acted for the NSW Ministerial Office in equity proceedings.** Multimillion-dollar freezing orders were obtained following failure to account in a tripartite agreement involving a corporation in Zurich (2016).
- **Dollars R Us v Qiu.** Tim appeared in a contested hearing on breach of confidentiality under contract and intentional tort related to cyberbullying. Pearce LCM ruled in favour of his client in both proceedings.
- Appeared for the plaintiff in commercial proceedings relating to breach of contract, restraint of trade and intellectual property rights related to a workshop run in Phuket, Thailand. Judgment and indemnity costs obtained (unreported).
- **Appeared for a defendant strata manager in a hearing in the District Court.** These proceedings were dismissed and an indemnity costs order obtained.
- **Kuypers v Ashton Coal Operations Pty Ltd & Anor (No 8) (2015) NSWSC 1284.** Acted for the mining company in a case run in Perth concerning a mine explosion.