

CURRICULUM VITAE - BEDE KELLEHER SC

Bede Kelleher SC was called to the Bar in August 2003 and appointed Senior Counsel in 2021

Bede came to the bar after working for 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
- Public Liability
- Intentional Torts and Historic Sexual Abuse
- Motor Vehicle
- Catastrophic Personal Injury
- Appellate
- 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 – permanent stay of proceedings – loss of evidence

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 – inferential findings -
Luxton v Vines - equally available hypotheses as to cause of accident
 available from facts -

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

Mason v. Demasi [2009] NSWCA 227 – evidentiary weight of
 contemporaneous medical records - credibility and reliability of evidence

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 – existence of a duty of care – breach of duty - s.5B *Civil
 Liability Act*

Milne v. Ell [2014] NSWCA 407 – extrinsic facts in imputations – contextual
 truth defence and proper pleading of imputation

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 - entitlement of
 negligent employer to recover pursuant to s.151Z(1)(e) – calculation of
 statutory indemnity

Endeavour Energy v. Precision Helicopters Pty Ltd & Ors (No. 2) [2015]
 NSWCA 357 – apportionment of liability in multiple proceedings - orders
 disposing of complicated proceedings – costs orders

Smith v NRMA Insurance Limited [2016] NSWCA 250 – appointment of a tutor
 without liability for adverse costs orders

The Nominal Defendant v Cordin [2017] NSWCA 6 – credibility findings - *Fox
 v Percy* - setting aside findings of fact by a trial judge – use of objective and
 contemporaneous documentary evidence and oral testimony – vulnerabilities
 of recollection evidence

Stein v Ryder [2022] NSWCA 212 - limitations periods – relevance of a
 solicitor’s explanation to grant of leave -

Catlin v Draper [2023] NSWCA 49 – criminal acts and existence of a duty of
 care – self-defence – agony of the moment

Coal & Allied Operations Pty Ltd v Crossley [2023] NSWCA 182 – judicial
 review of costs assessment – statutory construction – absurdity

Alldinger v Du Ranot [2023] NSWCA 271 – assessment of damages – tax
 fraud – fresh evidence on appeal

Chang v McTye [2025] NSWCA 3 – principles of statutory construction –
 public transport accident vs motor vehicle accident - determination of the
 applicable statutory regime of modified common law damages -

ACT Court of Appeal

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

Ryan v Bunnings, Ryan v Eastlakes Football Club Ltd (No. 1) [2021] ACTCA 43 - Security for Costs on Appeal

Ryan v Bunnings, Ryan v Eastlakes Football Club Ltd (No. 3) [2022] ACTCA 29 - appeal against adverse credibility and liability findings - aggravated and exemplary damages

Tattersall v Dormakaba Australia Pty Ltd [2025] ACTA 30 - statutory construction – proper construction of Offer of Compromise rules – need to include orders capable of disposing of proceedings – multi-party litigation

NSW Supreme Court

RTA v Capelo; Cremona v Capelo & Anor [2004] NSWSC 721 – summary judgment – admissions of guilt in Industrial Court to work safety charges - use of and extent of admissions made in another court

El Helou v. Smith [2009] NSWSC 741 – compelling parties to provide authorities for material not amenable to a subpoena

Checchia v. Insurance Australia Ltd t/as NRMA Insurance [2013] NSWSC 674 – fraud – false and misleading circumstances – method of demonstrating extent of deceitfully obtained settlement

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

Leighton Smith by his tutor Troy Smith v. NRMA Insurance Ltd [2014] NSWSC 1518 – inevitable accident – medical conditions – inferential and circumstantial findings

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.

Sdrolias v Power Distribution Services [2021] NSWSC 321 – Pure psychiatric injury – delegation of duty of care to subcontractors – vicarious liability – credibility and assessment of damages

Bear v Bear; Jordan v Bear [2022] NSWSC 1687 - Probate – testamentary capacity

TT v The Diocese of Saint Maron, Sydney & SS (No 3) [2024] NSWSC 943 – historic sexual abuse – vicarious liability - tendency evidence – complaint evidence - credibility of witnesses.

ACT Supreme Court

Ryan v Bunnings; Ryan v Eastlakes Football Club Ltd [2020] ACTSC 353 – Battery - False Imprisonment – Credibility findings

Glavinic v Commonwealth [2023] ACTSC 361 – Wrongful arrest, false imprisonment, assault and battery – police powers of entry – limitation of actions – reasonable use of powers - mistake of fact or law

Prichard v Honeywell Limited (No 2) [2025] ACTSC 467 Occupiers Liability – where Plaintiff not a reliable or credible witness – whether defendants liable for the injury suffered by the plaintiff –pre-existing injuries – consideration of plaintiff’s present medical conditions and physical restrictions – expert evidence

Administrative Decisions Tribunal

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

Health Care Complaints Commission v Denshire (also known as Lowick) [2018] NSWCATOD 19 - complaint against psychologist -

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

Inquest into the Death of Alex Reichmann – Advising and Representing Civic Disability Services

Inquest into the Death of Becky – Advising and Representing Life Without Barriers

Inquest into the Death of John, Jack and Jennifer Edwards – Advising and Representing a Person of Interest to the Inquiry