



OUR TEAM

Timothy Price

Director

Phone: +61 2 9231 7022

Mobile: +61 (0) 447 686 611

Email: tprice@ypol.com.au

Tim has more than 25 years experience in insurance, reinsurance and commercial litigation. He was a partner at Phillips Fox for 9 years before joining Yeldham Price O'Brien Lusk.

Tim is recognised as a leading commercial litigator and adviser to the Australian insurance and reinsurance industry. He is regularly nominated as one of Australia's leading lawyers in publications including *Chambers Global Guide* and *The International Who's Who of Insurance & Reinsurance Lawyers*.

Tim has a broad practice which includes a mix of contentious and non contentious matters for corporate and individual clients. His expertise includes:

- Commercial litigation and Dispute Resolution
- Constitutional and Administrative Litigation
- Trust and Estate disputes
- Defamation
- Competition
- Insurance coverage
- Reinsurance
- Professional Indemnity
- Directors and Officers Insurance
- Construction, Industrial Risks and Contracts Works Insurance
- Fidelity Guarantee Insurance
- Policy drafting and interpretation

Tim has conducted and advised on many significant matters. Some examples of his work include:

- conducting the successful defence of oppression proceedings (*Australian Institute of Fitness Pty Limited v Australian Institute of Fitness (Vic/Tas) Pty Limited (No 3)* [2015] NSWSC 1639);
- Constitutional challenges to New South Wales legislation (*Duncan v Independent Commission Against Corruption* [2015] HCA 32 and *Duncan v New South Wales; NuCoal Resources Limited v New South Wales; Cascade Coal Pty Limited v New South Wales* [2015] HCA 13);
- conducting the successful defence of Federal Court proceedings arising from a share sale (*Addenbrooke Pty Limited v Duncan (No 6)* [2015] FCA 793);
- acting for the successful plaintiffs in a landmark family trust dispute (*Hancock and Rinehart v Rinehart and Ors* [2015] NSWSC 646);
- conducting proceedings concerning the application of public international law (*Ure v The Commonwealth of Australia & Anor* [2016] FCAFC 8);
- successfully defending professional negligence claim arising from succession planning claim (*King v Benecke* [2014] NSWCA 399);
- conducting the successful defence of restraint of trade and competition proceedings challenging the rules in respect of thoroughbred breeding in Australia (*McHugh v Australian Jockey Club Limited* [2014] FCAFC 45);
- acting for Racing NSW and Harness Racing NSW in obtaining landmark High Court judgments defending the constitutional validity of the race fields fees on thoroughbred and harness racing in NSW (*Betfair Pty Ltd v Racing NSW* [2012] HCA 12 and *Sportsbet Pty Ltd v New South Wales* [2012] HCA 13);
- successfully acting for a public company in a dispute arising from the purchase of an insurance business including the actuarial valuation of insurance assets and liabilities (*Calliden Group Limited v Australian Unity Limited* [2010] NSW SC 263);
- successfully acting for a public company in respect of a constructive trust claim by a university for the ownership of intellectual property which also involved issues regarding an IPO and breach of director's duties (*University of Western Australia v Gray (No. 20)* [2008] FCA 498);
- successfully conducting the defence of proceedings against solicitors arising from the exercise of options in an intellectual property venture and subsequent litigation (*A I McLean Pty Limited & Anor v Hayson & Ors* [2008] NSWSC 927);
- conducting the first case involving a claim by a director for

indemnity from a company for defamation losses incurred in his role as a director and associated defamation claim (*NRMA v Whitlam* [2007] NSWCA 81);

- film finance reinsurance coverage litigation (*Reinsurance Australia Corporation Limited v HIH & Ors* [2003] FCA 803);
- the leading Australian case on the application of a dishonesty exclusion to a professional indemnity policy (*McCann v Switzerland Australia Insurance Limited* (2000) 203 CLR 579);
- the transnational insurance coverage dispute concerning indemnity for CSR's asbestos related claims (*Cigna v CSR* (1997) 189 CLR 345)
- the application of a statutory fund to cover losses to the compulsory professional indemnity scheme for lawyers in NSW arising from the collapse of HIH
- advising professional indemnity insurers on many of the major solicitors' mortgage lending collapses
- advising in respect of the litigation and claims resolution strategy of the only Australia reinsurance company to successfully conclude a solvent run-off (ReAC)
- the conduct and resolution of a major construction dispute concerning the parallel runway at Sydney Airport and associated insurance claims

Tim is a member of the Law Society of New South Wales, Australian Insurance Law Association and the International Bar Association.