

# **RICHARD SETON SC**

## **MEDIATOR**

### **General Professional Background**

Mr Seton was admitted to the bar in 1984 and appointed silk in 2002.

He practised for 2 years on 5 Wentworth Chambers, 15 years on 3 Wentworth Chambers and has been a member of Maurice Byers Chambers since 2001.

### **Mediation**

Mr Seton is a nationally accredited specialist mediator.

He has been acting as a mediator since 2007. He conducts mediations in almost all areas of the law but principally in all manner of personal injuries claims, abuse and bullying claims, insurance policy disputes, contract disputes and professional negligence claims. Since 2011, when he commenced focusing exclusively on mediating, Mr Seton has conducted literally hundreds of mediations of this kind, being both litigated and unlitigated disputes in all state courts and federal courts.

Mr Seton is also willing to travel to mediate and all enquiries as to his availability and fees can be made through his clerk, Melissa Brown on 9233 8653 or by email to: [clerk@mauricebyers.com](mailto:clerk@mauricebyers.com).

### **Principal Areas of practice as a barrister:**

- insurance fraud cases;
- insurance underwriting cases;
- contract cases;
- personal injuries cases of all kinds;
- building and construction cases;

- professional indemnity cases;
- negligence cases;
- superannuation/pension and disability claims.
- appeals

### **Appointments, memberships and non-adversarial roles**

Mr Seton has acted as and been appointed to the following positions:

- Referee pursuant to appointment by the Supreme Court of New South Wales.
- Member of the Appeals Committee of the Royal Australasian College of Physicians.
- Past Chair of an insurance claims review committee.
- Appointed as an investigator and arbitrator to give a binding ruling for an independent school.
- Appointed by the parties to litigation to give binding rulings on issues arising for determination in that litigation.
- Facilitator of expert witness conclaves.
- An accredited Mediator and listed on the Supreme Court and District Court Panels of Mediators.
- Past Member of the Westmead and Sydney Children's Hospitals' Human Research Ethics Committee.
- Past member of the NSW Bar Association's Personal Injuries Committee.
- Past chairman, director and member of the Maurice Byers Chambers Board for 6 years.
- Member of 3 Wentworth Chambers management committee for 10 years.

### **Academic**

BA / LLB from UNSW in 1980

## CASES

Some of the more significant cases Mr Seton has appeared in include:

### **Insurance/Public Liability/Professional negligence/workplace injuries/ motor vehicle**

- Hammoud Brothers v NRMA Insurance [2004] NSWCA 1- insurance fraud
- Henry Walker Elton Contracting v Hrstic [2005] NSWCA 253 – industrial deafness
- Toll v Dakic [2006] NSWCA 58 – motor vehicle
- Condos v Clycut Pty Ltd [2009] NSWCA 200 – occupiers liability
- Coles Myer Ltd v Rudzinski [2006] NSWCA 161
- Bell v Veigel [2008] NSWCA 36 – motor vehicle
- RL & CA Woods Pty Ltd v Pacific National (Victoria) Ltd and Wayne Bruce Kuschert v Pacific National (Victoria) Ltd and Anor [2009] NSWCA 298 – road authority
- Haris v Bulldogs Rugby League Club [2006] NSWCA 53- public liability
- Briscoe-Hough v AVS Australian Venue Security Services [2005] NSWCA 51
- NSW v Jackson [2007] NSWCA 279 – practice and procedure
- Hoare v Merchantile Mutual [2000] NSWSC 1026 (7 November 2000) - Insurance Disability case
- Wilke v Astra Pharmaceuticals P/L [2001] NSWCA 135 (11 May 2001) - Industrial accident appeal
- Wagstaff v Haslam [2007] NSWCA 28 (26 February 2007) –Public liability of publican
- Gray (Constructions) Pty Ltd v Hogan [2000] NSWCA 26 (3 March 2000) – Building contract dispute
- McHugh v NRMA Insurance Co Ltd [1996] NSWCA 315 – insurance fraud

- Hammoud Brothers P/l v Insurance Australia Ltd [2004] NSWCA 366 – insurance fraud
- Toll Transport Pty Ltd v Haskins 2008 NSWCA 244- Industrial accident
- Schrader v Davidson [2008] NSWDC 61 – professional negligence
- Yeats v Nominal Defendant & Anor [2004] NSWCA 259 – motor vehicle / roads authority
- Rockdale City Council v Micro Developments Pty Ltd [2008] NSWCA 128 - negligence of public authority
- Halpin & Ors v Lumley General Insurance Ltd [2009] NSWCA 372 insurance case - practice and procedure, evidence.
- Pacific Steel Constructions Pty Limited v Barahona; Jigsaw Property Group Pty Limited v Barahona [2009] NSWCA 406.- industrial accident
- Gaskin v Ollerenshaw [2012] NSWCA 33 – occupiers liability
- Perisher Blue v Harris [2013] NSWCA 38 – public liability of ski field operator
- Indigo Mist Pty Ltd v Palmer [2012] NSWCA 239 - occupier’s liability
- Motorcycling Events Group Australia Pty Ltd v Kelly [2013] NSWCA 361 – Trade Practices and Civil Liability Act.
- Bitupave Ltd t/as Boral Asphalt v Pillinger [2015] NSWCA 298 (30 September 2015)

### **Construction and interpretation of Insurance Policies**

- Caine v Lumley General Insurance [2008] NSWCA 4 - insurance
- Vidal v NRMA Insurance [2005] NSWCA 390 - insurance
- GIO Australia Ltd v P Ward Civil Engineering Pty Limited & Anor [2000] NSWSC 371- insurance

- Gray Constructions v Hogan [2000] NSWCA 26 and 68-  
Building and construction

### **Superannuation Life Insurance Policies advising plaintiffs, trustees and Insurers**

- Lembke v SAS Trustee Corporation [2003] NSWCA 136 •
- Murray v Commissioner of Police [2004] NSWCA 365
- Morley v SAS Trustee Corporation [2007] NSWIR Comm  
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### **Other Interests**

Outside of the law Mr Seton is:

- Heavily engaged in the rugby community as a qualified rugby union referee, a rugby referee coach and a past director of the Gordon Rugby Football Club
- A keen swimmer, skier and yoga practitioner.