



GREENWAY CHAMBERS



BEN BRADLEY

SOLICITOR 1999

BARRISTER 2006

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BACKGROUND

Ben has a strong reputation in major infrastructure, building and construction, professional indemnity and insurance disputes. Since being called to the Bar, Ben has been fortunate to work throughout most civil jurisdictions in Australia, as well as having an active domestic and international arbitral practice. In recent times, Ben has enjoyed working with colleagues in Australia as well as China, Hong Kong, Ireland and the United Arab Emirates.

Ben enjoys working with a team of hard-working professionals dedicated to resolving a common problem. Throughout his past decade at the Bar, Ben has had the opportunity to work with dedicated solicitors, experienced experts and committed clients, all of whom bring a nuanced approach to resolving an issue in dispute.

Ben has found the diversity of his practice rewarding. He has worked with a broad client base, including large foreign state-owned enterprises involved in international energy projects, the Ngapuhi people of New Zealand seeking to secure the return of taonga tuturu (Maori sacred artefacts) as well as a range of individual, corporate and government clients in disputes large and small.

FOCUS AREAS + SELECT CASES

BUILDING + CONSTRUCTION

Mining Infrastructure Arbitration (2018): acted for a leading engineering contractor in relation to a dispute concerning major marine infrastructure in Australia (with Mr Corsaro SC).

Investigation re purported false supporting statement (2017): acted for a building contractor in relation to purported failure to comply with s. 13(8) of the Building and Construction Industry Security of Payment Act 1999 (NSW) and related offences under the *Crimes Act 1900*.

Mining Infrastructure Arbitration (2016): acted for a leading engineering contractor in relation to a dispute heard in both Australia and Dubai concerning a purported breach of the honesty and fairness obligation contained within standard form clause 23 of AS2124-1992 (with Mr Corsaro SC).

Thiess Pty Limited -v- Parsons Brinkerhoff Australia Pty Limited & Ors [2016] NSWSC 173: acted for a large engineering firm in relation to a dispute concerning the collapse of part of the Lane Cove Tunnel (with Mr Miller SC).

John Holland Pty Limited v Kellogg Brown & Root Pty Limited [2015] NSWSC 451: acted for a design and construct building contractor in relation to a dispute concerning a major rail maintenance facility in New South Wales (with Mr Braham SC).

COMMERCIAL LITIGATION

In the matter of Raymond Edward Walker (2018): appeared for members of the family of Mr Walker (deceased) in relation to the examinable affairs of his estate pursuant to section 81 of the Bankruptcy Act 1966.

Swift v McLeary [2014] NSWCA 52: successfully obtained a mandatory injunction requiring the defendant to perform obligations under a contract for the benefit of a third-party corporate entity; the dispute arising from the sale by the parties of a major industrial air-conditioning and refrigeration group of companies (with Mr McKeand SC).

Liu v State of New South Wales [2014] NSWSC 933: acted for the State in relation to a claim for \$1.5M for property seized and inadvertently destroyed by the NSW Police Force, successfully reduced to less than \$35,000 with indemnity costs in favour of the State.

Nutectime International Pty Limited v Timentel Pty Limited (2014) NSWCA 16: successfully acted for directors of a corporate investment vehicle against allegations of oppression brought by a minority shareholder (with Mr Corsaro SC).

PROFESSIONAL INDEMNITY + COMMON LAW

Delayed diagnosis of Sub-acute Bacterial Endocarditis (NSWSC 2018): acted against two general practitioners, a rheumatologist and a hospital for a patient who underwent a double lung heart transplant consequent on delay in diagnosis of SBE, with proceedings ultimately resolved at mediation in 2018.

Comminuted fracture of left humerus (NSWSC 2018): acted for a Local Health District in proceedings brought by a former patient who alleged non-union nerve damage, significant loss of function and restriction, scarring and psychological sequelae consequent on purported poor surgical technique, with proceedings ultimately resolved at mediation in 2018.

Inadvertent cannulisation of carotid artery (NSWSC 2016): defended proceedings on behalf of a Local Health District brought by a former patient who sustained Middle Cerebral Artery infarction following inadvertent cannulisation of the carotid artery. Liability and causation were in issue, with proceedings ultimately resolved at mediation in 2016.

Bariatric Surgery Litigation (NSWSC 2016): acted against a specialist bariatric surgeon on behalf of a patient who sustained a gastro-oesophageal perforation and consequent sepsis following a laparoscopic removal of gastric band and conversion to a sleeve gastrectomy. Liability and causation were in issue, with proceedings ultimately resolved at mediation in 2016 (with Mr Cranitch SC).

Arterio-venous fistula and subsequent incomplete quadriplegia (NSWSC 2015): acted for a Local Health District in proceedings brought by a former patient with incomplete quadriplegia who maintained that the hospital failed to diagnose and treat an arterio-venous fistula on presentation. Liability and causation were in issue, with proceedings ultimately resolved at mediation in 2015.

CORONIAL INQUEST

Inquest into the death of DH (2018): appeared on behalf of the Local Health District in relation to a patient death arising from complications of anaesthetic management.

Inquest into the death of Kevin Meagher (2018): appeared on behalf of a Director of Nursing in relation to a suicidal death of a former patient.

Inquest into the death of Matthew Wilson Leary (2017): appeared on behalf of St Vincent's Hospital in relation to a suicidal death of a former patient.

Inquest into the death of Jack Brandao-Magalhaes (2016): appeared on behalf of the family in relation to an infant death shortly after birth.

Inquest into the death of Brendan Burns (2013): appeared on behalf of the family of a patient who died following treatment at a hospital in regional New South Wales.

Inquest into the death of Mr Tut Nyal (2011): appeared on behalf of Justice Health in relation to a suicidal death of a detainee held by the Department of Corrective Services

Inquest into the deaths of Mr Andrew Short and Ms Sally Gordon (2011): appeared on behalf of the Cruising Yacht Club of Australia in relation to the death of two well-known and respected sailors, who both drowned following a tragic boating accident during the Flinders Islet Yacht Race in 2009.