

Personal Injury

Friday 16 August 2024

Session 7 – 8:30am - 9:30am

Vicarious liability and permanent stay in historical abuse cases

The session will focus on the law of vicarious liability, with discussion areas including identifying the person for whom an entity might be vicariously liable, the circumstances in which vicarious liability might arise in light of recent authorities such as *Prince Alfred College v ADC* [2016] HCA 37 and *Bird v DP (A Pseudonym)* [2023] VSCA 66, and amendments to the Civil Liability Act 2002 (NSW). It will also address applications for a permanent stay of proceedings in light of the High Court's recent decision in *GLJ v The Trustees of the Roman Catholic Church for the Diocese of Lismore* [2023] HCA 32 and the subsequent appeals in *Willmot v State of Queensland* [2023] QCA 102 and *RC v The Salvation Army (WA) Property Trust* [2023] WASCA 29.

Meet the speaker

Dominic Villa SC, Barrister, New Chambers

Dominic Villa SC has almost 25 years' experience acting for government, insurers, corporate insureds and individuals in a range of litigated and non-litigated disputes. He has appeared in a wide variety of corporate and commercial disputes including claims against directors, corporate insolvency, building and construction, and claims for misleading or deceptive conduct. Dominic has acted in several class action proceedings on behalf of the State of NSW, pharmaceutical companies and medical device companies. He regularly advises on, and appears in relation to, all forms of liability insurance (in particular D&O, professional indemnity and public liability) and life insurance (in particular, TPD claims). His considerable experience includes disciplinary proceedings, acting for health and legal professionals, membership of sporting disciplinary bodies. The author of the *Annotated Civil Liability Act 2002 (NSW)* (3rd edition), he has expertise in tort law, including professional negligence, proportionate liability, and intentional tort claims, including misfeasance in public office, malicious prosecution, and historic abuse claims.