

## Appointments and Admissions

- 2000 - Appointed as Senior Counsel (New South Wales)
- 1986 - Admitted to the Bar (New South Wales)
- 1980 - Admitted as a Solicitor to the Supreme Court of New South Wales

## Qualifications

- 1979 - Bachelor of Laws: University of New South Wales
- 1977 - Bachelor of Arts: University of New South Wales

## Professional Experience

In his 28 years of practice at the bar (fourteen years as senior counsel) Stuart Donaldson has developed a strong commercial practice with a particular focus on insurance both as defense counsel and in connection with coverage issues and disputes. He is frequently engaged in connection with disputes related to general liability, professional indemnity and directors and officers liability policies. He also has extensive experience in engineering and construction related litigation and in claims involving public authorities, financial advisors, auditors, lawyers and medical practitioners.

## Areas of Expertise

- Appellate
- Building and Construction
- Commercial
- Equity and Trusts
- Insurance
- Professional Liability

## Professional Memberships

- Member, New South Wales Bar Association

## Select Cases

### Recent Appellate Decisions

- *Taylor v Owners Strata Plan No 11564* (2014) 306 ALR 547 (HCA)
- *Registrar -General (NSW) v Lawcover Insurance Pty Limited* [2014] NSWCA 241 Insurance; Real Property - Torrens Assurance Fund - s 6 Law Reform (Miscellaneous Provisions) Act 1946 (NSW)
- *Guild Insurance v Hepburn* [2014] NSWCA 400 Insurance - s 6 of Law Reform (Miscellaneous Provisions) Act 1946 (NSW)
- *Ralph Lauren Pty Limited v Byron Shire Council* [2014] NSWCA 107 Costs - Discontinued proceedings- Leave to reopen- Application to receive evidence on the appeal
- *Illawarra Hotel Company Pty Limited v Walton Construction Pty Limited* (2013) 84 NSWLR 410 (NSWCA) Building engineering and related contracts - Variations - Delays - Extensions of time - Function of court upon motion for adoption of referee's report
- *Siegwerk Australia Pty Limited v Nuplex Industries (Aust) Pty Limited* (2013) 305 ALR 413 (FCAFC) Appeal - Where reasons fail to deal with evidence. Insurance - General insurance - Broadform liability policy
- *Gales Holdings Pty Limited v Tweed Shire Council* (2013) 85 NSWLR 514 (NSWCA) Nuisance - Damages - reasonable foreseeability of loss - Local government
- *Parkview Queensland Pty Limited v Commonwealth Bank of Australia* [2013] NSWCA 422 Equity - Trusts and trustees - Where retention moneys under a building and construction contract were to be held on trust
- *Horsell International Pty Limited v Divetwo Pty Limited* [2013] NSWCA 422 Insurance - Construction of insuring clause - Whether second respondent's conduct "criminal act or omission" for purposes of exclusion clause - clause - Insurance broker - Duty of care - Retainer
- *Lithgow City Council v Jackson* (2011) 211 ALR 233 (HCA) Evidence - Admissibility - Opinion evidence - Section 78 of Evidence Act 1995 (NSW)
- Statutes - Interpretation - Whether s 12(2) of the Civil Liability Act 2002 (NSW)