



**ANNE
HORVATH**

Barrister

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CORE PRACTICE AREAS

I primarily practice in, professional negligence, professional discipline, insurance policy disputes and general commercial litigation both at first instance and on appeal. I have appeared in numerous class actions in both the Federal and Supreme Courts together with inquests & inquiries.

QUALIFICATIONS

2006

Commenced at the NSW Bar

2000

LLM (UNSW)

1995

Admission Supreme Court of New South Wales

1995

BA/LLB ANU

EMPLOYMENT

1999-2006

Senior Associate, Phillips Fox (Professional negligence & Directors & Officers litigation)

1997-1999

Solicitor, NSW Crown Solicitor's Office (Commercial litigation)

1995-1997

Legal Officer, Human Rights & Equal Opportunity Commission

**COMMERCIAL / PROFESSIONAL
INDEMNITY**

Mount Gilead PL & Hobhouse v L Macarthur-Onslow & Ors [2021] NSWSC 948.

A&B v Bird & Ors; C v Bird & Ors; D v Bird & Ors [2020] NSWSC 1379.

About Life Pty Ltd v Kloczko [2020] NSWSC 1909.

Alam v & Ors [2020] NSWDC 471: appeared for the solicitor in proceedings brought against a solicitor and barrister.

Attwells v White [2019] NSWSC 1278: appeared for the solicitor in proceedings brought against a solicitor and barrister.

Atanaskovic Hartnell v Birketu Pty Ltd [2019] NSWSC 1006: led by P.J Brereton SC for Atanaskovic Hartnell in related fraud case which concerned whether the firm was vicariously liable for employee fraud.

Landpower v Penske [2019] NSWCA 161: leading T Rogan for the respondent concerning the construction of apportionment legislation.

Frangie v South Western Sydney Local Health District [2019] NSWDC 42: leading K.A. Boyd, for the local health district.

Woolworths Ltd v About Life (No.2) [2018] NSWSC 1340: leading K.E Lindeman.

Birketu & Anor v Clarke & Ors [2018] NSWSC 879 & [2018] NSWSC 1125: appeared for Atanaskovic Hartnell defending an application seeking to restrain them from communicating with their former clients.

Kallin Pty Ltd v ACN 107 851 847 & Anor [2018] NSWSC 124: leading P. Gaffney for the defendant in a misleading conduct case surrounding the sale of a business.

Bradgate v Ashley Services Group & Ors [2017] FCA 1591: appearing for auditors in a shareholder class action.

Liberty Mutual Insurance Company v Kellogg Brown and Root Pty Ltd [2017] NSWSC 1519: led by S.R Donaldson SC concerning the construction of competing insurance contracts.

Cam & Bear Pty Ltd v McGoldrick [2017] NSWSC 1894: leading N.A Oreb for auditors.

Aquagenics Pty Ltd v Certain Underwriters at Lloyds [2017] FCA 724: appearing for underwriters on the construction of an insurance contract.

Corvest 6 v PKF Pty Ltd [2016] FCA 1458: appearing for auditors.

Smith & Creighton v AET & Ors: SC 2015/306222: led by M.A Jones SC for auditors in a class action.

GEAT v Deloitte, KPMG & Minter Ellison: NTSC 89 of 2014: appeared for the auditors.

Gladio Pty Ltd v Buckworth [2015] NSWSC 922: appeared for a selling agent in a contracts & misleading conduct case.

Denkha v SWSLHD: 2015/371879: leading P Abdiel for the local health district

Caason Investments Pty Ltd v Cao [2015] FCAFC 94 and [2014] FCA 1410 & 1435: led by each of D.L Williams SC and P.J Brereton SC for auditors in a shareholder class.

Solarus Projects Pty Ltd v AAI Ltd Trading As Vero Insurance (No 8) [2015] NSWSC 412: led by A. Leopold SC for the builders against Vero in a policy dispute.

Young v Hones (No. 2) [2014] NSWCA 337, [2014] NSWSC 499, [2013] NSWSC 580, [2013] NSWSC 1429: led by D.T Miller SC for a barrister on the scope of advocate's immunity.

Nemeth v Australian Litigation Funders Pty Ltd and Ors [2014] NSWCA 198 & [2013] NSWSC 529: led by B Coles QC for the plaintiff in a contract dispute.

Boorer v HLB Mann Judd (NSW) Pty Limited [2014] NSWCA 100: appeared for the auditors in an audit negligence & misleading conduct case.

ANZ v Pola: [2013] NSWSC 1801: Banking & misleading conduct by a real estate agent.

Perpetual Trustees Victoria Ltd v Belcastro [2013] NSWSC 1189: appeared for a mortgage broker concerning alleged misleading conduct.

Dyluc Pty Limited v Mally Group Pty Ltd & Ors [2013] NSWDC 57: appeared for an accountant misleading conduct.

Boorer v HLB Mann Judd (NSW) Pty Limited [2012] NSWSC 1499: appeared for the auditors in an audit negligence & misleading conduct case.

Media Ocean Ltd v Optus (No 11) [2011] FCA 19 and [2010] FCA 1348: led by R.G McHugh SC.

Artistic Builders Pty Ltd & Anor v Nash & Ors [2010] NSWSC 1442: led by C.R.C Newlinds SC for the plaintiff against solicitors.

Londish Corporations v Sheahan & Ors [2010] NSWSC 337: led by J Stojar SC, disputes concerning appointments of administrators.

Instyle v GECS & Ors [2010] FCA 466, [2010] FCA 38 & [2009] FCA 1422: led by A.S Bell SC, misleading conduct.

Ackers v Austcorp International Ltd [2009] FCA 432: led by S.R Donaldson SC, misleading conduct and contracts.

Cassegrain v CTK Engineering; Cassegrain v Cassegrain [2008] NSWSC 457: led by R. Beech-Jones SC

Dae Boong International v Dae Boong Australia [2008] NSWSC 357: led by M.A Ashhurst SC, misleading conduct surrounding the sale of a business.

Haydon Fowler Corbett Jessop v Toro Constructions Pty Ltd [2008] NSWCA 178: led by D.L Williams SC, statutory interpretation.

Pricewaterhousecoopers Legal v Perpetual Trustees Victoria Limited & 3 Ors [2007] NSWCA 271: Real Property, led by C.E Adamson SC.

PROFESSIONAL DISCIPLINE

Al-Mozany v Dental Council of New South Wales [2021] NSWCATOD 110.

Council for the New South Wales Bar Association v EFA [2021] NSWCATOD 84.

Council for the New South Wales Bar Association v EFA [2021] NSWCATOD 21.

Health Care Complaints Commission v Dr Hart [2021] NSWCATOD 79.

Windsor v Health Care Complaints Commission [2020] NSWCA 110: appeared for the Medical Council (leading K. Lindeman) in an administrative law appeal by concerning procedural fairness.

Kirby v Dental Council of New South Wales [2020] NSWCA 91: appeared for the Council (leading K. Lindeman) in an appeal concerning alleged jurisdictional error and allegations of apprehended bias by the Council.

Holt v Dental Council of New South Wales [2020] NSWCATOD 37: appeared for the Council opposing a stay application of a practitioner's suspension.

Health Care Complaints Commission v Dr Gupta [2019] NSWCATOD 29: appeared for the practitioner on penalties following a finding of unsatisfactory professional conduct.

Kirby v Dental Council of New South Wales [2018] NSWSC 1869: appeared for the Council (leading K. Lindeman) in an appeal from NCAT concerning allegations of apprehended bias by the Council.

Health Care Complaints Commission v Dr Gupta [2018] NSWCATOD 153: appeared for the practitioner defending allegations of professional misconduct.

Hadi v Medical Board of Australia [2017] NSWCATOD 143: appeared for the Board on an appeal against conditions imposed on the practitioner's registration.

Knowles v Pharmacy Council of NSW [2017] NSWCATOD 138: appeared for the Council on an appeal from a suspension of the practitioner's registration.

Kirby v Dental Council of New South Wales [2017] NSWCATOD 64: appeared for the Council on an appeal from a suspension of the practitioner's registration, leading A. Karlozian.

Health Care Complaints Commission v Dr Kim [2017]: appeared for the practitioner defending allegations of unprofessional conduct.

Burroughs v Australian Prudential Regulatory Authority [2016] FCA 775: appeared for the practitioner in his application for reinstatement of his licence to act as a senior manager of an insurance company.

Maiocchi v Royal Australian and New Zealand College of Psychiatrists (No. 4) [2014] FCA 1046 and [2016] FCA 33: appeared for a defendant practitioner.

Dr Marburg v Medical Council of New South Wales [2015] NSWCATOD 87: appeared for the practitioner in his application to appeal a suspension made by the Council.

Health Care Complaints Commission v Dr Hofer [2014] NSWCATOD 74: appeared for the practitioner defending allegations of professional misconduct.

Nash v Council of the NSW Bar Association [2013] NSWCA 466 and [2012] NSWADT 220: led by P Taylor SC for the practitioner defending allegations of professional misconduct.

Chapman v NSW Architects Registration Board [2013] NSWADT 120: appeared for the practitioner defending allegations of unprofessional conduct.

S v New South Wales Medical Board [2010] NSWSC 663: appeared for the practitioner seeking declarations concerning the constitution of a Professional Standards Committee.

Health Care Complaints Commission v Dr Nicholas [2011] NSWMT 2: appeared for the practitioner defending allegations of professional misconduct.

Butler v Australian Prudential Regulation Authority [2009] AATA 570: led by R Beech-Jones SC for a senior manager of an insurance company defending person's licence to be employed as a senior manager of an insurance company.

Burroughs v Australian Prudential Regulation Authority [2007] AATA 1960: led by P. S Strickland SC for a senior manager of an insurance company defending person's licence to be employed as a senior manager of an insurance company.

INSURANCE POLICY DISPUTES

Ali v Insurance Australia Limited [2021] NSWDC 369.

Chubb Insurance Australia Ltd v Giabal Pty Ltd; Catlin Australia Pty Ltd v Giabal Pty Ltd [2020] NSWCA 309.

Southern Classic Group PL v Arch Underwriting at Lloyd's Ltd on behalf of Syndicate 2012 & Ors [2018] NSWSC 1272 & [2018] NSWSC 1530: appeared for the insurer (leading T. Senior).

Novus Capital Ltd v Talbot Risk Services Pte LTD (2018) Lee J (Federal Court, Insurance List).

Underwriters at Lloyds v Aquagenics [2018] FCAFC 9 led by S.R. Donaldson SC.

AAI Limited t/as Vero Insurance v GEO Group Australia Pty Limited [2017] NSWCA 110 led by J Marshall SC.

Liberty Mutual Insurance Company v Kellogg Brown and Root Pty Ltd [2017] NSWSC 1519 led by S.R. Donaldson SC.

Aquagenics Pty Ltd v Certain Underwriters at Lloyds: [2017] FCA 724 (for underwriters).

Mace v Justice and Forensic Health Network; The Geo Group Australia Pty Ltd v AAI Limited t/as Vero Insurance [2016] NSWSC 803 (for Vero).

Smart & JRK Realty Pty Ltd v AAI Ltd [2015] NSWSC 392 (for Vero).

Solarus Projects Pty Ltd v AAI Ltd Trading As Vero [2015] NSWSC 412 / [2013] NSWSC 1966: led by A. Leopold SC (for Solarus).

Registrar-General of New South Wales v LawCover Insurance Pty Ltd [2014] NSWCA 241: led by S.R Donaldson SC.

Registrar-General of New South Wales v LawCover [2013] NSWSC 1471: led by S.R Donaldson SC (for LawCover).

QBE Insurance (Australia) Ltd v Wesfarmers Federation Insurance Pty Ltd [2010] NSWSC 1498.

QBE Insurance (Australia) Limited v Wesfarmers General Insurance Limited [2010] NSWSC 855: led by C.E Adamson SC.

Ginelle Finance PL v Diakakis & Ors [2007] NSWSC 60: led by D.L Davies SC.

RECENT APPEALS

Clancy & Ors v Plaintiffs A, B, C & D (reserved before NSW Court of Appeal): Intentional torts.

Brian Old v Associate Professor Paul Minitier [2021] NSWCA 92: Medical negligence.

Kirby v Dental Council of New South Wales [2020] NSWCA 91: appeared for the Council (leading K. Lindeman) in an appeal concerning alleged jurisdictional error and allegations of apprehended bias by the Council.

Landpower v Penske [2019] NSWCA 161: appeared for Penske leading T. Rogan concerning the construction of apportionment legislation.

Kirby v Dental Council of New South Wales [2018] NSWSC 1869: Appeared for the Council (leading K. Lindeman) in an appeal concerning allegations of apprehended bias by the Council.

Boorer v HLB Mann Judd (NSW) Pty Limited [2014] NSWCA 100: Appearing for the auditors in an audit negligence & misleading conduct case.

OTHER TORTS

Rouvinetis v Knoll [2013] NSWCA 24: Bias, wrongful imprisonment.

Ganassin v Invacare Australia Pty Limited [2013] NSWDC 147: Product liability.

Wurth v Sampco Pty Ltd [2013] NSWDC 173: occupier's liability.

Katellaris v Medical Council of New South Wales [2012] NSWSC 282 and [2012] NSWSC [617]: Misfeasance in public office.

Garzo v Liverpool Campbelltown Christian School Limited & Anor [2011] NSWSC 292: occupier's liability.

Pollard & v Wilson & Dubbo Council [2010] NSWCA 68: nuisance & negligence, led (for the appeal) by P.R Garling SC.

Leerdam & Anor v Noori & Ors [2009] NSWCA 90 & [2008] NSWSC 515: misfeasance in public office, led by A.S Bell SC.

APPEARANCES AGAINST SILK

Mount Gilead PL & Hobhouse v L Macarthur-Onslow & Ors [2021] NSWSC 948.

Ali v Insurance Australia Limited [2021] NSWDC 369.

Council for the New South Wales Bar Association v EFA [2021] NSWCATOD 84.

A&B v Bird & Ors; C v Bird & Ors; D v Bird & Ors [2020] NSWSC 1379.

Kirby v Dental Council of New South Wales [2020] NSWCA 91: appeared for the Council (leading K. Lindeman) in an appeal concerning alleged jurisdictional error and allegations of apprehended bias by the Council.

Holt v Dental Council of New South Wales [2020] NSWCATOD 37: appeared for the Council opposing a stay application of a practitioner's suspension.

Kirby v Dental Council of New South Wales [2018] NSWSC 1869: appeared for the Council (leading K Lindeman) in an appeal concerning allegations of apprehended bias by the Council.

Landpower v Penske [2019] NSWCA 161: leading T Rogan for the respondent concerning the construction of apportionment legislation.

Birketu & Anor v Clarke & Ors [2018] NSWSC 879 & [2018] NSWSC 1125: appeared for Atanaskovic Hartnell defending an application seeking to restrain them from communicating with their former clients.

Kallin Pty Ltd v ACN 107 851 847 & Anor [2018] NSWSC 124: misrepresentations, rescission sought.

Lavars v Gillis [2018] NSWSC 1912: appeared for the defendants opposing the plaintiffs' application for consolidation

Bradgate v Ashley Services Group & Ors [2017] FCA 1591: appearing for auditors in a shareholder class action.

Hadi v Medical Board of Australia [2017] NSWCATOD 143: appeared for the Board on an appeal against conditions.

Kirby v Dental Council of New South Wales [2017] NSWCATOD 64, professional discipline.

Aquagenics Pty Ltd v Certain Underwriters at Lloyds: [2017] FCA 724.

A&B v Bird [2016] NSWSC 997: Evidence Act s.192A, tendency & coincidence, leading P Gaffney.

Burroughs v APRA [2016] FCA 775: Insurance, regulatory.

Mace v Justice and Forensic Health Network; The Geo Group Australia Pty Ltd v AAI Limited t/as Vero Insurance [2016] NSWSC 803: Insurance.

Gladio Pty Ltd v Buckworth [2015] NSWSC 922: Contracts.

INQUIRIES / INQUESTS

Inquest into the death of Grant Cook Coroners Court of NSW (2020) Counsel assisting

Inquest into the death of Neville Clutton (2020) for SummitCare

Inquest into the death of Elizabeth O'Pray (2019) for Optus

Inquest into the death of Kevin O'Halloran (2019) for the local health district

Inquest into the deaths of BLGN & DG (2018), for the Department of Family & Community Services

Inquest into the death of Shona Hookey (2016), for a local health district

Inquest into the death of Jack Brandao-Magalhaes (2016), for a local health district

Royal Commission into Trade Union Governance and Corruption (2015)

Inquest into the deaths of 9 rockfishermen (2015), for a local council

Inquest into the death of Edna Whalen (2014), for a doctor

Inquest into the death of Phillip Hohnberg (2014) for a local health district

Inquest into the death of Kevin Cox (2013), for a local health district

Inquest into the death of Nigel Davis (2013), for a local health district

Inquest into the death of Benvenuto Comina (2012), for a local health district