

GREENS LIST

BARRISTERS



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EXPERTISE

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PROFILE

Andrew's practice is concentrated in superior court common law and commercial litigation, with an emphasis in major torts, personal injury, land acquisition/valuation, property, estates and banking matters.

He is an experienced trial advocate, with particular expertise in personal injury claims, and class actions. He was junior counsel in 4 of the 6 class actions arising from the Black Saturday bushfires, involving recovery of very substantial damages for group members affected by the fires.

Most recently he was junior counsel for the lead plaintiffs at the trials of *Eades v Endeavour Energy & Ors*, *Weber v Greater Hume Shire Council* and *Johnston v Endeavour Energy*, in the Supreme Court of NSW; and in *Williams v AusNet & Ors*, a representative proceeding in Victoria which secured substantial compensation for group members affected by the 2014 Mickleham-Kilmore bushfire.

He has also appeared as junior counsel in a number of Supreme Court proceedings involving applications for compensation under the Land Acquisition and Compensation Act 1986.

Recent cases:

[Eades v Endeavour Energy \[2018\] NSWSC 801 \(25 May 2018\)](#) - security for costs - representative proceedings - where lead plaintiff impecunious - where no litigation funder - consideration of whether proceedings would be stultified

[Weber v Greater Hume Shire Council \[2018\] NSWSC 667 \(14 May 2018\)](#) - representative proceedings - negligence - plaintiff suffered injury through fire

[Williams v AusNet Electricity Services Pty Ltd \[2017\] VSC 474 \(28 August 2017\)](#) - group proceeding arising out of 2014 Mickleham bushfire - approval of settlement

[Johnston v Endeavour Energy \[2016\] NSWSC 1132 \(18 August 2016\)](#) - group proceeding arising out of 2013 bushfire in the Blue Mountains - approval of settlement

[Williams v Ausnet Electricity Services Pty Ltd & Ors \(Ruling No 2\) \[2016\] VSC 145 \(6 April 2016\)](#) - interlocutory hearing in relation to 2014 Mickleham bushfire group proceeding - evidence - view in advance of trial

[Rowe v AusNet Electricity Services Pty Ltd & Ors \[2015\] VSC 232 \(27 May 2015\)](#) - approval of settlement of Murrindindi bushfire group proceeding

[Liesfield v SPI Electricity Pty Ltd & Ors \(Ruling No 2\) \[2014\] VSC 98 \(20 March 2014\)](#) - case management - group proceeding arising out of Black Saturday Murrindindi bushfire - trial preparation - implementation of the purposes of the Civil Procedure Act 2010 (Vic)

[Campbell v Hazell Bros \(Vic\) Pty Ltd \[2014\] VSC 54 \(27 February 2014\)](#) - application for approval of settlement of group proceeding

[Lumley General Insurance Ltd v Port Phillip City Council \[2013\] VSCA 367 \(12 December 2013\)](#) - Contract of insurance - Contractors all risk policy - Recovery under contract of insurance pursuant to insurance clause - Construction of insurance clause

[Place v Powercor Australia Ltd \[2013\] VSC 6 \(1 February 2013\)](#) - application for approval of settlement of group proceeding

[Threlfall v TBS Building Services & Ors and VWA v City of Port Phillip & Ors \(Ruling\) \[2012\] VCC 981 \(28 June 2012\)](#) - stay of proceedings pending appeal - costs - offer of compromise and Calderbank offer - indemnity costs

[Thomas v Powercor Australia Limited \(No 9\) \[2012\] VSC 207 \(18 May 2012\)](#) - construction of agreement - party-party costs - application for gross sum for costs instead of taxed costs

[Powercor Australia Limited v Thomas \[2012\] VSCA 87 \(9 May 2012\)](#) - damages - measure of damage for damage to fixtures - damages recoverable for own and volunteer labour

[Perry & Anor v Powercor Australia Limited \[2012\] VSC 113 \(29 March 2012\)](#) - application

for approval of settlement of group proceeding

[Markovska v Famco Lighting Pty Ltd & VWA \[2012\] VCC 48 \(13 February 2012\)](#) - serious injury application

[Thomas v Powercor Australia Limited \[2011\] VSC 614 \(5 December 2011\)](#) - application for approval of settlement of group proceeding

[Thomas v Powercor Australia Limited \[2011\] VSC 586 \(5 December 2011\)](#) - damages ruling at trial - damages recoverable for own and volunteer labour - physical inconvenience

[Victorian WorkCover Authority v City of Port Phillip, Kane Constructions Pty Ltd and 350Q BBS Pty Ltd \(Ruling\) \[2010\] VCC 1466 \(12 October 2010\)](#) - Recovery action pursuant to s.138 Accident Compensation Act 1985 - Bullock Order

[Threlfall v TBS Building Services Pty Ltd, Kane Constructions Pty Ltd, Port Phillip City Council and 350Q BBS Pty Ltd \(Ruling No 2\) \[2010\] VCC 1318 \(7 September 2010\)](#) - Rule in Browne v Dunn

[Threlfall v TBS Building Services Pty Ltd, Kane Constructions Pty Ltd, Port Phillip City Council and 350Q BBS Pty Ltd \[2010\] VCC 1317 \(27 August 2010\)](#) - application to join third party during course of jury trial - principles in Aon Risk Services Australia Ltd v Australian National University

[Burns v Norvic Food Processing Pty Limited \[2010\] NSWDC 178 \(20 August 2010\)](#) - Victorian accident - lex loci delicti - rights to claim common law damages in NSW - s 85(3)(e) Accident Compensation Act 1985

[Alford v Evans and Registrar of Titles \[2010\] VCC 475 \(13 May 2010\)](#) - adverse possession

[Roads Corporation v Love \[2010\] VSC 154 \(23 April 2010\)](#) - Calderbank offer

[Roads Corporation v Love \[2010\] VSC 32 \(23 February 2010\)](#) - land valuation and compensation - compulsory acquisition

To get in touch with Andrew Fraatz | or for more information please contact the

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