

## CURRICULUM VITAE

NAME: Kevin Francis Holyoak

QUALIFICATION: LLB (QIT 1987)

POSITION: Barrister at Law

### CAREER HISTORY:

Admitted as a solicitor in 1988. Admitted to the Bar in 1991. Awarded the James Archibald Douglas Prize at the Bar Practice Course for most outstanding candidate.

### AREAS OF SPECIALITY:

All aspects of insurance law and related areas of common law, equity and statute, commercial law, trade practices law.

### PAPERS AND ARTICLES:

Various papers and seminars including:

#### 1998

1. Subrogation – The Pitfalls of Recovery Actions (2.9.98)
2. APLA Conference - Stress Claims – Are they still Viable
3. Disclosure – How has the Recent ‘ESSO Decision’ Changed the Disclosure Rules – Sole Purpose Test v. Dominant Purpose

#### 2001

4. As Time Goes By: an Update on Section 31 of the *Limitation of Actions Act 1974* (15.3.01)

#### 2002

5. Claims Between Defendants and Insurers Involving the *WorkCover Queensland Act 1996* (10.9.02)
6. IPP Report – Limitation Periods and “Long-Stop” Limitation (2.10.02)
7. Advanced Personal Injuries Seminar - Indemnity Issues in Respect of Public Liability Policies (23.11.02)

#### 2003

8. Suncorp Metway Insurance Limited - Legal Panel Forum - *Personal Injuries Proceedings Act 2002* – Impact on CTP (27.2.03)

9. AILA/CLE Insurance Law Intensive 2003 - Johnson Tiles Pty Ltd v. ESSO Australia Pty Ltd [2003] VSC27 – Pure Economic Loss – Will the Availability of “Commonplace” Insurance Defeat a Claim? (13.5.03)

10. APLA Personal Injuries Intensive - Civil Liability Act 2003 – Proportionate Liability (21.5.03)

#### 2004

11. Lexis Nexis 2004 Personal Injury Queensland - Identifying and Overcoming the Challenges of PIPA and Assessing Potential Amendments to the Act (18.4.04)

12. AILA Civil Liability Workshop Part 1 (Commercial Loss) (July 2004)

13. Bar Association of Queensland – Commercial Insurance Law CPD (18.8.04)

#### 2005

14. Australian Lawyers Alliance (ALA) (formerly APLA) Conference – Statutory Scheme Case Review (5.2.05)

15. Suncorp Internal Lawyers Conference – What is a “road” for the purposes of the *Motor Accident Insurance Act 1994*? (31.5.05)

16. AILA Civil Liability Workshop Part 2 (Personal Injury) (7.7.05)

17. ALA National Conference – Don’t Get Stressed: *Koehler v. Cerebos (Aust) Limited* (20.10.2005)

18. ALA Queensland State Conference – The Good and the Bad (18.02.06)

19. AILA Insurance Law Conference – Proportionate Liability – What does it apply to, when is it available, how is it activated – practical implications (25.5.06)

#### 2008

20. Bar Association of Queensland. I was invited to, and presented, a paper at the Annual State Conference of the Bar Association of Queensland in February 2008 entitled “Sections 11 and 12 of the *Civil Liability Act 2003* – causation”.

I was asked to re-present this paper again at a Bar Association ALE chaired by Dorney QC (as His Honour then was).

I also contributed an article to the Bar Association Journal “*Hearsay*” entitled “*The Incredible Shrinking Immunity*”, examining the scope and limitations of the advocate’s immunity.

21. Queensland Law Society. At the invitation of the Specialist Accreditation (Personal Injuries) Course of the Queensland Law Society, I was asked to, and did present argument in a moot, adjudicated by His Honour McGill SC DCJ in relation to the obligations of disclosure and provision of information under the *Personal Injuries Proceedings Act 2002*,
22. AILA (Australian Insurance Law Association). I was invited to, and presented a paper at the National AILA conference held at Hamilton Island, addressing colleagues from around Australia. The paper dealt with the legal and underwriting issues of “long tail claims” under insurance policies.
23. ALA (Australian Lawyers Alliance). I presented a paper to the Australian Lawyers Alliance on the reasoning and implication of the Court of Appeal’s decision in *Watkins v. Queensland*<sup>1</sup>.

## 2009

24. Queensland Law Society. In March 2009, I co-presented a paper (with Ms. Julie Cameron from Corrs Chambers Westgarth) at the Queensland Law Society Symposium in relation to the complications of cross border insurance schemes and jurisdictional issues in relation to interstate work accidents.
25. ALA (Australian Lawyers Alliance). In February 2009 I presented a paper to the State Conference of the ALA entitled “Everything you wanted to know about pleadings but were too afraid to ask” which dealt in detail with the rules in pleadings.

I also delivered a paper later that year to the ALA entitled “Where to from *Hare*: Disclosure and compliance under the PIPA” which dealt with the District Court decision in *Hare v. Mount Isa City Council*<sup>2</sup> (in which I appeared) and *Hare v. Mount Isa Mines Ltd*<sup>3</sup>.”

26. Legal teaching. I participated as an instructor at the Bar Practice Course, chaired by Peter Lyons J.

## 2010

27. AILA. In May of this year I delivered a paper to the Queensland State Conference of the Australian Insurance Law Association entitled “*When Goods Times Go Bad*” at the liability of hoteliers and purveyors of alcohol in light of several recent High Court cases, including *Adeels Palace Pty Ltd v. Maubarak*<sup>4</sup> and *Cal (No. 14) Pty Ltd v. Motor Accidents Insurance Board*<sup>5</sup>.
28. ALA. I presented a paper to an ALA conference this year entitled “Breach and Causation and the role of the *Workplace Health and Safety Act 1995*” which examined the amendments made by the *Workers Compensation and Rehabilitation*

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<sup>1</sup> (2008) 1 Qd R 564.

<sup>2</sup> [2009] QDC 39.

<sup>3</sup> [2009] QCA 91.

<sup>4</sup> (2009) 239 CLR 420.

<sup>5</sup> (2009) 239 CLR 390.

*and Other Legislation Amendment Bill 2010* and the consequences of the abolition of *Bourk v. Powerserve Pty Ltd*<sup>6</sup>.

29. Women in Insurance Law. I provided a paper to this organisation which is an educational body, predominately for women practising in the area of insurance law (but open to men also) entitled “Reforming the Reforms” which dealt at length with the multiple amendments made to the *Civil Liability Act* by the *Civil Liability and Other Legislation Amendment Act 2010* and also the amendments made by the *Workers Compensation and Rehabilitation and Other Legislation Amendment Act 2010*.

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<sup>6</sup> [2008] QCA 225.