



## Richard Royle

Year of Call: 1983

Specialises in catastrophic personal injury cases, with a particular interest in cross jurisdictional issues, motor vehicle law, medical negligence, professional negligence, sexual assault claims, human rights law and industrial law.

He has instructed in catastrophic injury cases in the High Court and the Court of Appeal, both in Australia and the UK.

A former NSW President of the Australian Lawyers Alliance (the largest national lawyers group in Australia) and current committee member of the ALA and the Personal Injuries Common Law Committee of the NSW Bar Association. He regularly gives papers at legal seminars and conferences in personal injury related subjects, and writes for the LexisNexis Practical Guidance Personal Injury Module.

### Personal Injury

Richard represents claimants across a wide range of personal injury areas. He has particular experience instructing in catastrophic spinal and brain injury cases, largely arising from motor vehicle accidents and medical negligence. He has also acted for claimants in sexual assault cases and immigrants claiming damages from their treatment in Australian detention centres.

Notable cases in Australia include:

- *Ellis v Pell and Ors*  
[2007] NSWCA 17: Claim against the Catholic Church regarding the legal capacity of the Archdiocese of Sydney and representative liability of Cardinal Pell. Matter refused special leave in the High Court.
- *Dominello v Dominello and the Nominal Defendant*  
[2009] NSWCA 95: Decision on the meaning of "injury" in Section 3 of the *Motor Accidents Compensation Act 1999 (NSW)*.
- *Shaw v Thomas* [2010] NSWCA 169: Decision on the duty of care owed by parents to a son's friend who sustained brain damage after falling from a bunk bed at their house. Matter refused special leave in the High Court.
- *Waller v James* [2013] NSWSC 497: Case on wrongful birth for a child who suffered a cerebral stroke four days after birth due to inheriting auto-thrombin deficiency. Decision on whether failure to warn of risk of the disease caused the wrongful birth.

Recent settlements include:

- AUD \$5 million for major birth trauma case involving a cerebral palsied child.
- AUD \$12 million for catastrophic burn victim as a result of negligent supervision at a state run school.

- AUD \$8.2 million for the passenger in a motor vehicle accident arising from a joy ride.

## **Clinical Negligence**

### **Cross jurisdictional matters**

Currently instructed in catastrophic injury case in High Court and Court of Appeal in both Australia and UK.

### **Motor Vehicle Law/ Clinical negligence/ Public Liability**

Engaged in numerous catastrophic cases at mediations and in court, including regular appearance in the NSW Court of Appeal.

Engaged in overseas tort matters, including Australian based torts heard in UK courts and vice versa.

## **Health & Safety**

### **Industrial Law**

Mainly in Occupational Health and Safety prosecutions.

## **Additional Information**

Member of Sir Owen Dixon Chambers  
179 Elizabeth St Sydney NSW 2000, Australia

## **Accidents Abroad & International Travel**

Richard has recent and extensive experience acting for both Australian claimants catastrophically injured abroad, and foreign claimants injured in Australia.

He is currently instructing on cross-border personal injury claims involving:

- Australian resident sustaining quadriplegia in motor vehicle accident in Western Samoa
- UK resident sustaining a severe traumatic brain injury following a quad bike accident in Tasmania, Australia.
- Serbian resident injured in a motor vehicle accident in NSW.
- Israeli resident injured in a boating accident in Sydney Harbour.
- French resident injured in a motor vehicle accident in South Australia.

Notable cases include:

- *Stylianou v Toyoshima and Suncorp Metway Insurance Ltd* [2013] EWHC 2188 (QB): Decision on service outside of jurisdiction and scope of Rome II arising out of UK claimant catastrophically injured in Australia. The first case in which assessment of quantum under Rome II has been fully considered by the English courts.
- *Cooley v Ramsey* [2008] EWHC 192 (QB): Decision on service outside of jurisdiction arising out of a UK claimant injured in motor vehicle accident in Australia and repatriating in the UK.

Recent settlements include:

- £5.5 million for UK resident catastrophically injured in a motor vehicle accident in NSW in 2010.
- £3 million for Hong Kong citizen injured in motor vehicle accident in the UK in 2010, repatriated to Hong Kong.
- AUD \$7.25 million (approx GBP £4.2) for UK resident catastrophically injured in motor vehicle accident in NSW in 2008.

## Appointments

Past State President and current committee member Australian Lawyers' Alliance (largest national lawyer's group in Australia)

Member of the Common Law Committee of the NSW Bar Association

Member of a number of advisory committees in relation to amendments to NSW motor vehicle legislation

## Memberships and Associations

NSW Bar Association, UK Bar

Admitted to practice in England, Wales, Western Samoa and most States of Australia

## Academic

BA (Hons) in Philosophy from York University UK

Dip. Law from London University

## Personal Interests

Sailing, skiing and music