

GREENS LIST

BARRISTERS



DAVID CAROLAN

BAR ROLL: 2017 | ADMITTED: 2012

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EXPERTISE

[Appellate](#) | [Building Law & Construction Law](#) | [Commercial Law](#) | [Common Law](#) | [Competition Law & Consumer Law](#) | [Criminal Law](#) | [Government Law](#) | [Industrial Relations Law & Employment Law](#) | [Inquests, Inquiries, Tribunals & Commissions](#) | [Medical Negligence](#) | [Property Law](#) | [Public Law & Administrative Law](#) | [TAC/WorkCover](#)

PROFILE

David has a broad practice in criminal, insurance and common law matters. David specialises in cases involving complex issues of fact and law ranging from class actions to criminal fraud proceedings involving substantial quantum.

He regularly accepts briefs to appear on behalf of insurers as well as insureds in subrogated property damage matters across all Victorian Courts and Tribunals. In crime, he appears in both prosecution and defence matters in the Magistrates' and County Courts.

A selection of cases include the following:

Civil

- Acting on behalf of a number of insurers and insureds in a bushfire class action trial seeking recovery of approximately \$20m (junior to F Tiernan QC and with T Smyth);
- Acting on behalf of a number of insurers in a suite of applications in the Supreme Court relating to the Court's supervisory power to regulate class actions under s. 33ZF of the *Supreme Court Act* (including *Lenehan v Powercor* [2018] VSC 579 and *Hawker v Powercor* [2018] VSC 661 – junior to P Solomon QC); and
- Successfully resisting an application for summary judgement in a negligence case involving complex issues relating to duty of care in negligence (*Grant v Director of Housing* [2018] VCC 2065 – unled).

Criminal

- Advice and plea in the Magistrates Court and successfully resisting an appeal on sentence in the County Court on behalf of a company facing charges under the *Environmental Protection Act* (junior to P Connor QC);
- Successfully resisting an appeal from the Director of Public Prosecutions on sentence in relation to a solicitor who misappropriated clients' funds (*DPP v Blackberry* [2019] VSCA 269 – junior to P Tiwana); and
- Advice and plea on behalf of an accused charged with running a Ponzi Scheme, obtaining several million dollars (unled).

David also has a diverse pro bono practice. He has a particular interest in refugee law and regularly accepts briefs from Refugee Legal and others to act for clients in visa cancellation cases before the Administrative Appeals Tribunal.

Prior to coming to the Bar, David practiced for five years in the insurance litigation section at Hall & Wilcox, developing expertise in indemnity disputes and fraudulent claims. He also received valuable experience in international and criminal law while interning at the International Criminal Tribunal for the Former Yugoslavia (ICTY) and United Nations Assistance to the Khmer Rouge Trials (UNAKRT/ECCC).

David also holds a Master of Laws from Melbourne University, which focussed on international law, evidence and insurance.

David read with Justin Hannebery QC. His senior mentor was Michael Whitten QC (now the Lord Chief Justice of the Kingdom of Tonga).

To get in touch with David Carolan | or for more information please contact the

Clerk on: +61 3 9225 7222 or clerkb@greenslist.com.au