

# GREENS LIST

BARRISTERS



## DAVID CARLILE

BAR ROLL: 1999 | ADMITTED: 1995

David appears predominantly in property and commercial disputes.

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CHAMBERS: Aickin Chambers

## EXPERTISE

Appellate | Bankruptcy Law & Insolvency Law | Building Law & Construction Law | Commercial Law | Corporations Law & Securities Law | Equity & Trusts Law | Family Law | Property Law | Wills & Estates Law

## PROFILE

David appears predominantly in property and commercial disputes. He also appears in wills and probate matters. He has appeared in trial, interlocutory and appellate proceedings in the Victorian Supreme Court, Court of Appeal, Federal Court and New South Wales Supreme Court.

He has appeared and advised in all manner of commercial disputes including issues relating to misleading and deceptive conduct, unconscionable conduct, mistake, duress, fraud and estoppel. He also advises and appears in relation to breach of director duties, shareholder disputes and winding up of corporations. He has been involved in many matters involving constructive or resulting trusts. He has experience in joint venture disputes particularly in the area of property development.

Recent cases David has been involved in include:

[Jieyun International Investments Pty Ltd v Toorak Development Group Pty Ltd \[2022\] VSC 387](#). This matter

involved a Quistclose trust claim and a misleading and deceptive conduct claim - successfully defended the large ACL claim.

[Olsen v Olsen \[2022\] VSC 95](#) - successfully resisted removal of caveat in a dispute involving proprietary estoppel and constructive trust claims.

[Maverick Signs Pty Ltd v Cetinkaya \[2022\] VSC 27](#) - successfully applied to remove a caveat by establishing no contract of sale.

[Ajaimi v Giswick Pty Ltd \[2022\] VSC 131](#) - appeal in the retail lease dispute.

[Giswick Pty v Ajaimi \[2021\] VCAT 267](#) - retail lease dispute involving a successful claim by tenant for water and sewage ingresses.

Marr Ltd v Marr - an August 2019 Supreme Court trial before Sifris J that settled after day 7. The case involved breach of director duties, constructive and resulting trusts over land, alleged misuse of company funds, directors loans, alleged unlawful transfer of shares, alleged overpayment of wages, and allegations of fraudulent documents.

[Leared v Lordan \[2019\] VCC 364](#) - joint venture dispute involving development of a property, rectification of loan agreements and assessment of damages.

[Grace Christian Chapel v Canaan Holdings Pty Ltd \[2019\] VSC 5](#) - claim for additional security for costs against a foreign corporation.

[Kids Vision Day Care v Secretary, Department of Education and Training \[2018\] AATA 4121](#) - administrative Law review of Child Care Service.

[LCY Pty Ltd v Ma \[2017\] VSCA 383](#) - a breach of contract dispute relying upon estoppel by convention (with JL Bourke QC).

[Broughton v B&B Investments Pty Ltd \[2017\] VSCA 227](#) - termination of contract case involving interpretation of contract.

[De Oliveira v Udayaratna \[2016\] VSC 123](#) - a contract dispute involving both written and oral terms.

[Hays International College Pty Ltd and Cheng v Quikfund \(Australia\) Pty Ltd \[2014\] NSWSC 869](#) - a contract dispute involving misleading and deceptive conduct and agency.

[Gurappaji v Duncan & Anor \[2023\] VSC 558 \(18 September 2023\)](#) - Common intention constructive trust - Proprietary estoppel - Joint endeavour constructive trust

[Cline & Anor v Rodden & Anor \[2023\] VSC 492 \(22 August 2023\)](#) -

TRUST - Common intention constructive trust - Proof of common intention or representation - Reliance - Tenancy for life - Right of use and enjoyment of property for life - Proprietary estoppel - Barnes v Addy claim - Unjust enrichment.

WASTE - Claim for waste against person entitled to right of use and enjoyment for life - Consent of owners to construction of buildings and structures - Whether waste shown - Proof of loss and damage - [Property Law Act 1958](#) (Vic) [s 132A](#) - [Evidence Act 2008](#) (Vic) [ss 63\(1\)-\(2\)](#), [67\(1\)](#), (3).


He speaks Japanese.

David is also a member of the Commercial Bar Association.

## Memberships & Committees

[Victorian Bar](#)

To get in touch with David Carlile | or for more information please contact the Clerk on:

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