

DAN STAR K.C.

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Key Areas of Practice

- Administrative Law (Merits Review and Judicial Review)
- Consumer Protection, Competition Law, Trade Practices
- Class Actions / Representative Proceedings
- Commercial Litigation
- Human Rights
- Industrial and Employment Law
- Regulatory (Enforcement / Compliance / Royal Commissions & Investigations)
- Statutory interpretation; advice of Commonwealth and State Acts in all areas

Educational Qualifications

LLB (Hons – first class), BA - University of Melbourne
Admitted in 1995 (VIC)
Signed Victorian Bar Roll in 1998
Appointed Senior Counsel in Victoria in 2016

Legal Experience

Dan Star K.C. has a practice in trials and appeals in commercial and regulatory areas of law. He has particular expertise in Administrative Law, Corporations Law, Trade Practices Law and enforcement / civil penalty litigation (such as ASIC, ACCC and State agencies in their enforcement matters).

Dan primarily appears in the Federal Court of Australia and in the Supreme Court of Victoria. He also has experience in Royal Commissions and other inquiries.

Dan is frequently briefed for and against the Commonwealth/State and their regulators. He has appeared in cases (and investigations) for or against the Commonwealth of Australia, the State of Victoria, Attorneys-General, Ministers and statutory agencies / officeholders – such as the ABCC, ACCC, ASIC, ASADA, ATO, Consumer Affairs Victoria (CAV), Essential Services Commission (ESC), Office of Chief Examiner (OCE), Legal Services Commissioner (LSC) and the Tax Practitioners Board (TPB).

Dan holds a NV2 Security Vetting rating (sponsored by Victoria Police).

Dan is a writer/editor of the monthly “Federal Court Judgments” section in the *Law Institute Journal* published by the Law Institute of Victoria (and reprinted in the law society journals of NT, QLD and WA).

Dan is the current Chair of the Victorian Bar’s Human Rights Committee. He is a previous Chair of the Bar’s Indigenous Lawyers’ Committee. Dan is also a member of CommBar.

Selection of Recent / Notable Matters

Royal Commissions / Inquiries

Yoorrook Justice Commission (2023) – Senior Counsel for the Minister for Police and the Chief Commissioner of Victoria Police (**CCP**).

COVID-19 Hotel Quarantine Inquiry (2020) – Senior Counsel for the CCP.

Royal Commission into Victoria's Mental Health System (2019/2020) – Senior Counsel for the designated mental health services in Victoria.

Administrative Law / Public Law

Judicial review in the Supreme Court: eg, *Dodds v Atcorp Investments* [2022] VSC 392.

Legality of action; Supreme Court – *Australian Brumby Alliance Inc v Parks Victoria* [2023] VSC 26; & Federal Court – *Australian Brumby Alliance Inc v Parks Victoria* [2020] FCA 605.

Security / terrorism related civil litigation – *Minister for Home Affairs v Benbrika*: Supreme Court in [2022] VSC R169; [2021] VSC 684; and Court of Appeal in [2021] VSCA 303.

Appeared as Senior Counsel for the CCP in confidential hearings in the Court of Appeal in Dec 2018/Jan 2019, arising from *AB v CD and EF* [2017] VSCA 338 (the “Lawyer X” case).

AD(JR) Act challenge re the export of live sheep to the Middle East – *Animals Australia Federation v Sec, Dept of Agriculture, Water and the Environment* [2020] FCA 905.

Senior Counsel appearing in the High Court successfully resisting special leave to appeal re misfeasance in public office – *Shire of Kellerberrin v Nyoni* [2018] HCATrans 27.

Junior Counsel for ASADA in the case by Essendon FC & James Hird in the Federal Court:

- *James Albert Hird v CEO of the ASADA* (2015) 227 FCR 95 (Full Court)
- *Essendon Football Club v CEO of the ADADA* (2014) 227 FCR 1 (Middleton J)

Numerous Federal Court migration/refugee law cases for or against the Minister (before taking Silk).

Corporations Law

Senior Counsel for ASIC in a regulatory matter in the Federal Court re alleged breaches of “best interests obligations” in Div 2 of Pt 7.7A of the *Corporations Act 2001* – *ASIC v Dixon Advisory & Superannuation Services Ltd* [2022] FCA 1105.

Trade Practices Law

Consumer protection / Australian Consumer Law (ACL)

Regulatory misleading & deceptive conduct matters including numerous penalty cases – eg:

- Against the ACCC – *ACCC v Jayco Corporation Pty Ltd (No 2)* [2021] FCA 453
- For the ACCC – *ACCC v AGL South Australia Pty Ltd* [2014] FCA 1369 (liability); [2015] FCA 399 (relief); *ACCC v Origin Energy Ltd* [2015] FCA 55

Successful sale of business misleading & deceptive conduct trial in the County Court:

- *Laser Bean Pty Ltd v Opalfish Pty Ltd & McLaren* [2018] VCC 53

Unsolicited consumer agreement (UCA) provisions in the ACL:

- *ACCC v ACN 099 814 749 Pty Ltd* [2016] FCA 403

Restrictive trade practices

ACCC v Australian Egg Corporation Ltd (2017) 254 FCR 311 (Full Court) and [2016] FCA 69 (trial) – Appeared for Farm Pride Foods in its successful defence of the ACCC's claim that the respondents engaged in cartel conduct in contravention of s 44ZZRJ of the CCA.

ACCC v Japan Airlines [2011] FCA 365 – Junior Counsel for Japan Airlines against the ACCC in its s 45 (price-fixing) prosecution.

ACCC v Cabcharge Australia Ltd – Junior Counsel for the ACCC in a s 46 (misuse of market power) case resulting in a penalty of \$14 million: [2010] FCA 1261.

Junior Counsel for the ACCC in its successful prosecution of Australian Safeway Stores for price-fixing and misuse of market power in the trial: (2001) 129 FCR 1; in the appeal to the Full Federal Court: (2003) 129 FCR 339; in the applications for special leave to appeal to the High Court: [2004] HCATrans 344; & in the penalty proceedings: [2006] FCA 21.

Industrial Law (contested regulatory / enforcement trials and appeals)

Many pecuniary penalty cases – eg:

- *CEPU v ROC* [2020] FCAFC 232
- *ABCC v CFMEU (The Laverton North and Cheltenham Premises Case) (No 2)* [2019] FCA 973

Right of entry – construction of Part 3-4 of the *Fair Work Act 2009*:

- *ABCC v CFMEU (Laverton North and Cheltenham Premises Case)* [2018] FCAFC 88

Adverse action and intent to coerce trials:

- *ABCC v CFMEU (The Bay Street Case)* [2018] FCA 83

Freedom of association cases:

- *ABCC v CFMEU (The Quest Apartments Case)* [2017] FCA 1398 (trial) and [2018] FCA 163 (relief/penalty)

Unlawful industrial action (*Fair Work Act 2009*, s 417):

- *Director of FWBII v Ellen (The Longford Gas Plant Case)* [2016] FCA 1395

Class Actions

Tort / Public Law class actions:

- Senior Counsel in a class action concerning conditions in youth detention in the Northern Territory for the Applicant (claims of breach of statutory duty, negligence and racial discrimination): *Sister Marie Brigid Arthur (Litigation Representative) v Northern Territory (No 2)* [2020] FCA 215 (settlement approval); also [2019] FCA 859 (dispensation from opt out notices).
- Junior Counsel in “BSWAT” class action litigation concerning the payment of wages to intellectually disabled persons and claims under the *Disability Discrimination Act 1992*: *Duval-Comrie v Commonwealth of Australia* [2016] FCA 1523 (settlement approval).

Commercial Law class actions:

- Junior Counsel for a party in the Supreme Court litigation concerning the collapse of the Banksia Financial Group: *Re Banksia Securities Ltd (Rec & Mgr Apptd)* [2017] VSC 148

Trade Practices Law class actions:

- Junior Counsel for Japan Airlines in the airfreight cartel class action in the Federal Court: *Auskay International Manufacturing & Trade Pty Ltd v Qantas Airways Ltd* [2010] FCAFC 96, [2009] FCA 1464 / 1465 & [2008] FCA 1458.