

Darren Ferrari

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QUALIFICATIONS

Admitted to the Legal Profession:

3 April 2002

Signed Victorian Bar Roll:

24 May 2007

ACADEMIC QUALIFICATIONS:

THE UNIVERSITY OF MELBOURNE

Master of Laws

2004-2007

THE UNIVERSITY OF ADELAIDE

Bachelor of Laws

1996-2001

First class honours

Bachelor of Arts

1994-1998

Second class honours in history

PROFESSIONAL EXPERIENCE

THE VICTORIAN BAR

Barrister

2007 – 2017 and 2018 - Present

I have a broad commercial practice, with particular specialised experience in matters concerning insurance coverage, contract and corporations law. I have appeared in the Magistrates' Court, County Court, the Supreme Courts of Victoria and South Australia, the District Court of South Australia, the Federal Court and Federal Circuit Court and in the VCAT. I have also provided advice and assistance in proceedings in the Supreme Courts of Western Australia and the ACT.

While at the bar, I have presented professional development seminars on issues such as discovery obligations, pleading and interlocutory applications. I have also been engaged in sessional teaching for Monash University and the Leo Cussen Institute.

NORTON ROSE FULBRIGHT AUSTRALIA

Special Counsel

2017 – 2018

I had conduct of litigated insurance disputes for a number of Australian life and general insurers.

The proceedings on which I acted included claims for life, terminal illness, total and permanent disablement and income protection benefits. Additionally, I assisted in advising professional indemnity insurers on issues of indemnity and the conduct of proceedings following a grant of indemnity.

FREEHILLS (NOW HERBERT SMITH FREEHILLS)

Solicitor, Litigation

2002 – 2007

Articled clerk, Employment Relations, Banking and Finance and Litigation

2001-2002

I worked in small and large teams on the preparation and conduct of hearings in the Federal Court, Supreme Court, Magistrates' Court, Australian Industrial Relations Commission.

Key responsibilities and achievements included:

- Working as part of an interstate team of lawyers seeking indemnity under an energy insurance package for a listed public corporation.
- Working as part of an interstate team of lawyers advising a listed public company on insurance issues underpinning a proposal to staple its shares to a listed unit trust.
- Undertaking document review on behalf of clients called to provide documents to various government agencies, including the ACCC, ATO and an independent inquiry. Each of these inquiries was highly sensitive and were subject to strict time restraints.
- Delegating, supervising and reviewing document review and research tasks undertaken by junior solicitors, articled clerks and paralegals.
- Providing ad-hoc mentoring and support to junior solicitors and articled clerks.
- Advising various clients on substantive law and civil procedure.

PUBLIC INTEREST LAW CLEARING HOUSE (NOW JUSTICE CONNECT)

Seconded Solicitor (on secondment from Freehills)

August 2003 – February 2004

My role was to facilitate the provision of pro bono assistance to clients through the PILCH and Victorian Bar Legal Assistance schemes. This involved making preliminary decisions on the merits of the particular matter, referring matters to firms and barristers and keeping track of the matters once they had been referred. The role also involved making submissions to various public reviews when they arose.

OTHER POSITIONS

READYSTEPGROW LIMITED

Executive Director

April 2015 – May 2017

Chairperson

February 2017 – May 2017

ReadyStepGrow was a charity providing education and support to families of children born prematurely.

MEMBERSHIPS

- Australian Insurance Law Association

SELECTED LITIGATION EXPERIENCE

- *Richard Maisano v Filomena Maisano* [2019] VCC 787
Acting for Richard Maisano in County Court of Victoria proceedings in which he sought declarations of constructive and resulting trusts over real property he alleged he assisted his family in purchasing.
- *Timbercorp Finance Pty Ltd (In Liquidation) v FTM Nominees Pty Ltd*
Acting for the liquidator of Timbercorp Finance Pty Ltd in proceedings brought to recover debts owed by a party to various loan agreements. (Led by Philip Solomon QC and with Dr Charles Parkinson)
- *Owners Corporation No. 1 PS619687J v Rocco Di Raco and West Side Building Surveying (Vic) Pty Ltd and others*
Acting for Di Raco and West Side, building surveyors on a construction project, in VCAT proceedings brought against them by the Owners Corporation for various breaches.
- *Australian Executor Trustee Ltd v Suncorp Life & Superannuation Ltd* [2016] SADC 89
Acting for Suncorp in a life insurance dispute brought by the executor of an estate in circumstances where the life insured died as a result of his and his beneficiary's illegal acts. (led by Jeff Gleeson QC)
- *Kennedy and Alleja Pty Ltd v Stonewall Securities Pty Ltd and others*
Acting for Marigold Falconer International Limited, a holder of an Australian Financial Services Licence, sued for its Authorised Representative's alleged failures committed in providing financial services to the trustees of a self-managed superannuation fund.
- *PD Enterprise Pty Ltd v Pacific Brands Clothing Limited*; and
- *Bonds Industries Pty Ltd v PD Enterprise Pty Ltd*
Acting for Pacific Brands and Bonds in two concurrent proceedings concerning competing claims for rebates and penalties alleged to have accrued pursuant to various supply agreements (led by Peter Riordan QC)
- *P Miller Contractors Pty Ltd v Identifibre Pty Ltd*
Acting for Identifibre, a business providing asbestos hazard identification and risk management services, sued for its alleged failure to identify the presence of asbestos at the plaintiff's site in Horsham.
- *Solomon v Equity Trustees Superannuation Limited and TAL Life Limited*
Acting for Equity Trustees in a life insurance dispute. (led by Michael Thompson QC)
- *Glanadda Pty Ltd v RS Trewavis & others*
Acting for Glanadda in a claim by them as a building's owners against the builder and the manufacturer of windows for various defects.
- *Kavakos v OnePath Life Ltd*
Acting for OnePath in a life insurance dispute (led by Jeff Gleeson SC)
- *TAL Life Limited v Bonnin*
Acting for TAL in an appeal to the full court of the Supreme Court of South Australia in a life insurance dispute. (led by Jeff Gleeson SC)

- *Anderson v APC Gippsland (No 1) Pty Ltd & others*
Acting for three of the four defendants in a claim against them for damages in relation to alleged injuries caused by exposure to airborne dusts. (led by Jeff Gleeson SC)
- *Weir v Geelong Grammar School* [2012] VCAT 1736
Acting for Geelong Grammar School, in proceedings alleging various breaches leading to a student's alleged failure to achieve adequate results. Darren was also briefed for the application seeking costs from the applicants.
- *Hungry Jacks Australia Pty Ltd v TLC Company Pty Ltd*
Acting for TLC in a claim for debt and counterclaim for various breaches of the *Trade Practices Act* (and *Australian Competition and Consumer Law*) in respect of a franchising agreement (with Nick Pane).
- *Farrell v MLC Nominees Pty Ltd*
Acting for MLC in a life insurance (TPD) dispute.
- *Gilland v United Super Pty Ltd and Hannover Life Assurance Pty Ltd*
Acting for United Super and Hannover in a life insurance dispute.
- *McGrath v Tower Australia Limited & others*
Acting for Tower in a life insurance dispute (led by Jeff Gleeson SC)
- *Holmes and Lambert v Asteron Life Ltd*
Acting for the plaintiffs in a life insurance dispute (led by Jeff Gleeson SC).
- *Bartholomew v Mercer Investment Nominees Limited & National Mutual Life Association of Australasia Ltd*
Acting for Mercer in life insurance dispute (led by Jeff Gleeson SC)
- *Young v Tower Australia Limited*
Acting for Tower in a life insurance (income protection) dispute. (led by Richard Cavanagh SC)
- *Kelly & others v O'Connell & others*
Acting for two of four defendants to an action concerning alleged breaches of the *Trade Practices Act* in respect of franchising agreements entered into by the plaintiffs.
- *Grewal v Platinum Chauffeur Drive Pty Ltd* [2010] FMCA 991
Acting for Mr Grewal in a claim alleging breach of contract and misleading or deceptive conduct concerning the sale and purchase of a taxi.
- *Earth Force Personnel Pty Ltd v EA Negri Pty Ltd and Another* [2010] VSC 426
Acting for Earth Force in an appeal from the Magistrates' Court of Victoria concerning penalties and restraint of trade (led by Jeff Gleeson SC).
- *Spectrum Ophthalmics Pty Ltd v Ryan and another* [2010] VSC 19
Acting for partners of a law firm sued for breach of retainer and negligence. (led by Jeff Gleeson SC)
- *Kid Crew Express v Debbie Kay Williams and others*
Acting for Ms Williams and others in a proceeding for an injunction against former employees of a clothing company, who allegedly breached employment agreements and misused confidential information (led by Sam Horgan SC).

- *Preshil, The Margaret Lyttle Memorial School (Anti-Discrimination Exemption)* [2008] VCAT 2414
Acting for Preshill in a successful application for exemption from Equal Opportunity Act 1995 (Vic).
- *Boswell v Forbes and others* [2008] VCAT 1997
Acting for Landmark Operations Ltd and one of its employees. A claim made against Landmark and its employee, amongst other respondents, under the Owners Corporations Act 2006 (Vic).
- *Telstra Corporation Limited v Orchid Flower Pty Ltd*
Acting for Orchid Flower in a claim for a debt and counterclaim alleging misuse of market power and unconscionable conduct (led, in part, by Norman O'Bryan SC).
- *Dillon v Tower Life Limited*
Acting for Tower in a life insurance dispute. (led by Jeff Gleeson SC)
- *Dropulich and others v McHarg and others* [2008] VSC 238
Acting for Ms Dropulich in a claim for access over owners' corporation property by one member of the owners' corporation (led by Paul Lacava SC).