

# DAN STAR K.C.

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## **Key Areas of Practice**

- AMDRAS Accredited Mediator
- Administrative Law
- Commercial Litigation
- Consumer Protection, Competition Law, Trade Practices
- Class Actions / Representative Proceedings
- Human Rights
- Industrial and Employment Law
- Regulatory (Enforcement / Compliance / Royal Commissions & Investigations)

## **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 been a barrister for over 25 years including approximately 9 years as a Silk. He has a practice in trials and appeals in commercial and regulatory areas of law. Dan is also available to act as a Mediator for court ordered mediations. Dan's appearance briefs in court and mediation briefs add to his well-rounded skills and experience.

Dan has expertise in Administrative Law, Corporations Law, Trade Practices Law and especially civil penalty litigation.

Dan primarily appears in the Federal Court of Australia and in the Supreme Court of Victoria. He is frequently briefed for and against the Commonwealth/State and their regulators. Dan also has substantial experience in Royal Commissions and other inquiries.

Dan is frequently briefed for and against the Commonwealth/State and their regulators. His experience includes 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), Environment Protection Authority (EPA), Essential Services Commission (ESC), Office of Chief Examiner (OCE), Legal Services Commissioner (LSC), NDIS Quality and Safeguards Commissioner 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.

***A selection of notable cases in which Dan Star KC has appeared is listed below (with links, where available).***

### ***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*** [2022] FCA 1105.

### ***Competition and Consumer Law***

#### Consumer protection

Energy law civil penalty litigation:

- ***Essential Services Commission v Origin Energy*** [2025] VSC 130 – Senior Counsel for the regulator in a contested civil penalty trial in which the Supreme Court ordered civil penalties of approximately \$17.6M for contraventions of various energy law provisions.
- ***Essential Services Commission v Sumo Power*** [2024] VSC 758 – Senior Counsel for the regulator in the first civil penalty hearing in which the Supreme Court ordered civil penalties of \$10M for breaches of door-knocking and best offer messaging provisions.

Australian Consumer Law (ACL) matters:

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

#### Restrictive trade practices

***ACCC v Australian Egg Corporation & others*** [2017] FCAFC 152 (appeal); 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*** [2010] FCA 1261 – Junior Counsel for the ACCC in a s 46 (misuse of market power) case resulting in a civil penalty of \$14M.

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.

### ***Class Actions***

***Elliot-Card v McDonald’s Australia Limited*** [2023] FCA 1210 (stay) and [2023] FCAFC 162 (Full Court) – intervening for the Minister for Employment and Workplace Relations.

Senior Counsel in a class action re conditions in youth detention in the Northern Territory for the Applicant (breach of statutory duty, negligence & racial discrimination): ***Sister Marie Brigid Arthur (Litigation Representative) v Northern Territory (No 2)*** [2020] FCA 215.

Junior Counsel in “BSWAT” class action litigation re 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).

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.

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.

### **Environmental Law**

*Environmental Protection Authority v Lactalis Australia Pty Ltd* S ECI 2023 06022 (orders made February 2025) – Senior Counsel for the respondent in a civil penalty hearing in the Supreme Court in which it was ordered to pay an agreed penalty of \$650,000 for admitted contraventions of the *Environmental Protection Act 2017* (Vic).

Litigation under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) in the Federal Court – *Australian Brumby Alliance Inc v Parks Victoria* [2020] FCA 605.

### **Public Law**

Legality of action cases – *Australian Brumby Alliance Inc v Parks Victoria* [2023] VSC 26.

Judicial review – Supreme Court: *Dodds v Atcorp Investments* [2022] VSC 392 – for WorkSafe Victoria.

Judicial review – Federal Court: AD(JR) Act case – *Animals Australia Federation v Secretary, Department of Agriculture, Water and the Environment* [2020] FCA 905.

Security / terrorism related civil litigation – *Attorney-General (Cth) v Benbrika* [2025] VSC 223 (extended supervision order) and [2025] VSC 83 (interim supervision order); *Benbrika v Attorney-General (Commonwealth)* [2024] VSC 265; also [2021] VSC 684 (bias); [2022] VSC R169 (first review); and [2021] VSCA 303 (appeal from continuing detention order).

Criminal law and administrative law issues – *WJH v CCP* [2024] VSC 818.

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.

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

Junior Counsel for ASADA in the case by Essendon FC & James Hird in the Federal Court: *James Albert Hird v ASADA* [2015] FCAFC 7 (appeal); and *Essendon Football Club v ASADA* [2014] FCA 1019 (trial).

Federal Court migration/refugee law cases for or against the Minister. Recent example: *Pewhairangi v Minister for Immigration, Citizenship & Multicultural Affairs* [2024] FCAFC 94.

### **Industrial Law**

Various regulatory and civil penalty cases – egs:

- Registered organisation reporting obligations: *CEPU v ROC* [2020] FCAFC 232
- Right of entry: *ABCC v CFMMEU (The Laverton North and Cheltenham Premises Case)* [2018] FCAFC 88 (appeal); and [2017] FCA 802 (trial)
- Adverse action / intent to coerce: *ABCC v CFMEU (The Bay Street Case)* [2018] FCA 83
- Freedom of association: *ABCC v CFMEU (The Quest Apartments Case)* [2017] FCA 1398 (trial) and [2018] FCA 163 (relief/penalty)
- Unlawful industrial action: *Director of FWBII v Ellen (The Longford Gas Plant Case)* [2016] FCA 1395

***Royal Commissions / Inquiries***

Yoorrook Justice Commission (2023-2024) – Senior Counsel for the Minister for Police, the Chief Commissioner of Victoria Police (**CCP**), and the Surveyor-General Victoria.

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.