

**NAME:** David Thomas Crocker

**QUALIFICATIONS:** Barrister & Solicitor of the Supreme Court of South Australia (2000)

Barrister & Solicitor of the Supreme Court of Victoria (1998)

Barrister & Solicitor of the High Court of Australia and the Federal Court of Australia (1998)

**EDUCATION:** NSW College of Law  
Masters of Laws (Wills & Estates) [enrolled 2014]

University of Adelaide,  
Bachelor of Laws (Hons) (1995)

University of Adelaide,  
Bachelor of Arts (Juris) (1993)

University College, Cardiff, Wales  
Master's Course in Journalism Studies (1988)

**MEMBERSHIPS &  
AWARDS:**

Succession Law Committee member, Law Society of SA  
Society of Trust and Estate Practitioners (member SA branch)  
Member of Society of Construction Law Australia  
Member of the Law Society of SA  
Member of the SA Bar Association  
Hon. Secretary of the SA Bar Association (2010 - 2014)  
Editorial Committee member of *The Bulletin*, Law Society of SA (2000 - 2012)  
LEADR Mediation Course (2000)  
Law Institute of Victoria mooting team member (1998-9)  
Member of the winning Adelaide University moot team at the Commonwealth Law Conference, Vancouver, Canada (1996)  
Best Oralist, Adelaide University moot competition (1995)  
Best Oralist, Jessup International Law Moot, Canberra (1994)  
Member of the South Australian Cricket Association and plays for the Adelaide University Cricket Club

## PRINCIPAL LITIGATION

### Building/construction

*McConnell Dowell Holdings Pty Limited & Ors v Wilcam Nominees Pty Ltd (ATF the WM O'Connor Family Trust) & Ors* (2013) – Supreme Court of Victoria – sale and purchase of business – breach of warranties and indemnities

*Homestead Homes Pty Ltd v Horizon Lifestyle Developments Pty Ltd & Ors* (2013) – District Court – building/construction dispute

*SMEC Australia Pty Ltd & Hatch Associates Pty Ltd v McConnell Dowell Constructors (Australia) Pty Ltd, Abigroup Contractors Pty Ltd & Acciona Agua Australia Pty Ltd* (2012) – Supreme Court of Victoria – dispute regarding design of Adelaide Desalination Plant, Lonsdale, South Australia – variations, delay and breach of contract/negligence

*Community Corporation 22490 Inc v Boulderstone Pty Ltd (formerly Boulderstone Hornibrook Pty Ltd)* (2012) – District Court of South Australia - dispute regarding construction of the Holdfast Shores Development, Glenelg, South Australia – breach of contract/negligence

Commercial arbitration, and subsequent appeal to the Supreme Court of South Australia, for a subsidiary of McConnell Dowell regarding the construction of steel tanks at BHPB's Olympic Dam site (*Built Environs Pty Ltd v Saunders International Limited [2012] SASC 111*, led by Dick Whittington QC and Nick Pane SC);

*A. Murray & Sons v Rib-Loc Australia & Ors* (2011) – Supreme Court of ACT – building/construction case – collapse of an underground water storage facility

*Arup Pty Ltd v McConnell Dowell Pty Ltd & Anor* (2011) – Supreme Court of South Australia – building/construction dispute – subcontractor dispute regarding pipeline from Adelaide Desalination Plant

*Hansen Yuncken Pty Ltd v 413 King William Street Pty Ltd & Hills Industries Ltd* (2010) – Supreme Court of South Australia – building/construction dispute

*A.C.N. 008 36 940 Pty Ltd (formerly known as Dare Sutton Clarke Pty Ltd) v 413 King William Street Pty Ltd* (2010) - Supreme Court of South Australia – building/construction dispute

*JPE Design Studio Pty Ltd v 413 King William Street Pty Ltd* (2010) - Supreme Court of South Australia - building/construction dispute

### Inheritance (Family Provision) Act

*Treloar v Fisher & Treloar* (2013) – Supreme Court

*Heath & Ors v Heath & Ors* (2010) – Supreme Court

*Bragg v Bragg & Anor* (2010) – Supreme Court

*Fisher v Fisher* (2009) – Supreme Court

*Hurl v Hurl & Hurl* (2006) – Supreme Court

### **Defamation**

*Maras v Lesses* (2016) - District Court of South Australia - defamation

*Fleming v Advertiser Newspapers & Anor* (2016) – Supreme Court of South Australia – defamation

*Tolega Pty Ltd v Sandell* (2011) – Supreme Court of South Australia – Magistrate’s Appeal – defamation

*Sandell v Tolega Pty Ltd* (2011) – Magistrates Court – defamation

*Schrader v Hughes and Centre for Independent Studies Ltd* (2008) – Supreme Court of South Australia – defamation

*Pearce v Channel 7 Adelaide Pty Ltd* (2005) – Supreme Court of South Australia – urgent interlocutory injunction to restrain broadcast of material

*Chidley v Love* (2004) – District Court – defamation

*Emmanuel v Advertiser Newspapers Limited* – (2004) – Supreme Court – defamation

### **Contract / Misleading & Deceptive Conduct**

*Salandra & Ors v Metcash Food & Grocery Pty Ltd* (2016) – Supreme Court – Magistrate’s Appeal – breach of contract

*Metcash Food & Grocery Pty Ltd v Salandra & Ors* (2015) – Magistrate’s Court – breach of contract

*ACN 068691092 Pty Ltd & Ors v Plan 4 Insurance Services Pty Ltd & Ors* (2012) – High Court of Australia – application for special leave - misleading & deceptive conduct/ negligence of an insurance agent

*ACN 068691092 Pty Ltd & Ors v Plan 4 Insurance Services Pty Ltd & Ors* (2012) – Supreme Court of South Australia – Full Court appeal – misleading & deceptive conduct/ negligence of an insurance agent

*ACN 068691092 Pty Ltd & Ors v Plan 4 Insurance Services Pty Ltd & Ors* (2011) – District Court – misleading & deceptive conduct/ negligence of an insurance agent

*Dawes Underwriting Australia Pty Ltd v Montex Australia Pty Ltd* (2006) – Magistrates Court – misleading & deceptive conduct - insurance

*Ronald Wakefield and Sacom Computers Pty Ltd v Murkitt* – (2006) - Supreme Court of South Australia – Magistrate’s Appeal – debt owing

*Wood & Wood v Tuppen* (2007) – Magistrates Court - sale and purchase of land – breach of contract – equitable remedies

*Kennards Hire Pty Ltd v Christianos* (2008) – Magistrates Court – debt/breach of contract

*Pets Paradise Franchising (SA) Pty Ltd v Griessel & Ors* (2006) – Victorian Supreme Court – franchising dispute / misleading conduct

*Australian Commercial Wines Pty Ltd v Kingston Estate Wines Pty Ltd* (2008) – District Court – breach of contract

*Vongrasy v Somvongsa* (2010) – District Court – debt/breach of contract

*Fredericks Petroleum Pty Ltd (t/as Adelaide Fuel Distributors) v Tafloc Investments Pty Ltd (atf Gavin T Gresham Family Trust)* (2009) – Supreme Court – breach of contract

### **Negligence**

*Wrightville Operations Pty Ltd (t/as Jarvis Ford) v Lisman* (2007) - Supreme Court of South Australia – Magistrate’s Appeal – use of expert evidence - causation

*Lisman v Wrightville Operations Pty Ltd (t/as Jarvis Ford)* (2006) – Magistrates Court – negligent repair to a car – causation – damage to building

*Whitehead Group/LV Dohnt & Co Pty Ltd v Harvest Co Australia Pty Ltd* (2012) Magistrates Court – negligent collision between two forestry loggers

*Rover & Anor v Hoods Tractors & Implements (Sales) Pty Ltd* (2010) – Magistrates Court – negligence/breach of contract repair of farming implement

*Scarth & Scarth v Tollner & Kelly* (2006) – Magistrates Court – negligence - truck collides with stray cow on the highway

*Kerry Logistics (Australia) Pty Ltd (t/as Charlick Trading Pty Ltd) v NACCO Materials Handling Group Pty Ltd (t/as Hyster Asia Pacific)* (2006) – Magistrates Court – damage to forklift when it dropped shipping container

*Hanchant v RAH Incorporated & Ors* (2005) – District Court – medical negligence

## Procedural

*Kammerman v Mibus* (2013) – Supreme Court – caveat - costs where no trial on merits

*Direct Plumbing & Building Supplies Pty Ltd v Hamra Developments Pty Ltd & Hamra* (2013) – District Court – application to set aside default judgment

*Re Justin Mark Tettis, Hillary Elizabeth Orr as Trustee of the Bankrupt Estate of Justin Mark Tettis* (2013) – Federal Court of Australia – application for directions in respect of in respect of a matter arising in connection with the administration of a bankrupt's estate

*Advance House Renovation Pty Ltd v Auto-Render Enterprises Pty Ltd (in liq)* – (2013) - Supreme Court – application to set aside a statutory demand

*JPE Design Studio Pty Ltd v 413 King William Street Pty Ltd* (2009) - Supreme Court – application to set aside a statutory demand

*RB Lease Pty Ltd v Warmings Commercial Services Pty Ltd & Ors* (2012) – District Court – application for summary judgment

*Scarce Builders & Developers Pty Ltd v All That and More Maintenance Services Pty Ltd* (2011) – Supreme Court – application to set aside statutory demand

*Medallion Homes Pty Ltd v Fleming* (2011) – Magistrate's Court – application to lift temporary stay of proceedings

*Scarce Builders & Developers Pty Ltd v All That and More Maintenance Services Pty Ltd* (2011) – Supreme Court – application for non-party costs order

*Mason & Cotton v Syrianos No. 2 Pty Ltd* (2011) - Magistrates Court - application for setting aside relief against forfeiture

*Rover & Anor v Hoods Tractors & Implements (Sales) Pty Ltd* (2010) – Magistrates Court – application for summary judgment

*Web Wealth Pty Ltd v Callipari* (2010) – District Court – application for a stay of enforcing judgment

*Holding v Cornish* (2010) – District Court – extension of caveat

*All Laundry & Linen Pty Ltd v Faithfull* (2009) – District Court – application to set aside default judgment

*Faithfull v All Laundry & Linen Pty Ltd* (2009) – District Court – appeal against Master's order

*Keam v Milne* (2008) – District Court – application for leave to issue a warrant for the sale of the defendant's goods

*Kinsmen Securities Ltd v Le Messurier* (2008) – District Court - application to set aside default judgment

*Adelaide City Fines Pty Ltd & Anor v Channel Seven Adelaide Pty Ltd* (2007) – District Court – defamation claim strike out application

*Reece v Moir* (2006) – Supreme Court of South Australia – application for partition and sale of land

*Becker v City of Onkaparinga* (2005) – Supreme Court of South Australia – Full Court - appeal against prosecution under Local Government Act