

# The Hon. David Brookes KC

Mediator & Arbitrator (Former Judge of the County Court of Victoria)

Owen Dixon Chambers, Melbourne

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## Profile

David Brookes is a highly experienced dispute resolver and former trial judge whose practice spans complex personal injury and disease litigation, professional negligence (including medical negligence), workplace and transport accident claims, institutional abuse matters, coronial work, and catastrophic injury. He took silk in 2007 after more than three decades at the common law bar, appeared regularly in the High Court of Australia and the Victorian Court of Appeal, and was counsel in major public inquiries including the Metropolitan Ambulance Service Royal Commission and the HIH Royal Commission. He now practises predominantly as a mediator and arbitrator.

## Judicial Service

- **Judge, County Court of Victoria** (2012–2022). Appointed 7 August 2012.
- **Reserve Judge, County Court of Victoria** (1 Feb 2022–31 Jan 2027). Appointed upon retirement from full-time service on 18 January 2022.
- Farewelled by the profession at a ceremonial sitting acknowledging his contribution to the Court's Common Law Division.

## Mediation & ADR

- **Accredited mediator (since 1996)** and experienced arbitrator. Conducted private mediations prior to judicial appointment and judicial mediations when requested while on the bench. Now available for complex, multi-party mediations and early neutral evaluations across personal injuries, medical negligence, historical abuse, insurance indemnity and related commercial issues.

## Bar Career

- **Silk Counsel (Victoria):** 2007.
- **Victorian Bar:** 1978–2012 (Common Law Bar). Led and junior counsel roles in trials and appeals involving catastrophic injury, dust diseases, medical negligence, psychiatric injury, indemnity and contribution, coronial matters, and statutory schemes (TAC, WorkCover). Appeared before the **High Court of Australia** and the **Victorian Court of Appeal**.

## Royal Commissions & Public Inquiries (Counsel)

- **Metropolitan Ambulance Service Royal Commission (Vic)** — counsel in a high-profile inquiry into governance and service delivery (2000–2001).
- **HIH Royal Commission (Cth)** — counsel in the national inquiry into the collapse of HIH Insurance (2001–2003).

## Areas of Practice (as Mediator/Arbitrator)

- Medical negligence & professional liability
- Catastrophic injury & lifetime care (TAC/WorkCover)
- Dust diseases & occupational illness
- Historical institutional abuse
- Public authority liability, occupiers' liability, product liability
- Insurance and reinsurance disputes (policy response, contribution, subrogation)

## Selected Appellate Experience

- Appeared (as both junior and silk) in appeals in the **Victorian Court of Appeal** and in special leave/full appeals in the **High Court of Australia** addressing medical causation (material contribution and evidentiary standards), psychiatric injury, duty/breach in clinical and industrial settings, apportionment, and limitation issues. (Illustrative details available on request; formal report citations listed below.)

## Teaching & Speaking

- Contributor to professional education in forensic medicine and litigation practice, including lectures at the Royal Australasian College of Surgeons and bar CPD programs.

## Education

- LLB, University of Melbourne.

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## Publications & Reports (Royal Commissions)

- **Metropolitan Ambulance Service Royal Commission — Reports (2001)** (Commissioner: Lex Lasry QC).
- **HIH Royal Commission — The Failure of HIH Insurance (2003)** (Commissioner: The Hon Neville Owen).