DAVID CHESTERMAN KC

YEAR OF CALL: 2009 | YEAR OF SILK: 2022

LEVEL 27, 239 GEORGE ST
BRISBANE QLD, 4000

level27chambers.com.au

T +61 7 3008 3919
M +61 409 587 782

dchesterman@
level27chambers.com.au

David is an experienced advocate who specialises in complex and high value litigation and arbitration. He was appointed King's Counsel in 2022, having been called to the Bar in 2009.

With over 17 years of experience, David is known for his work-ethic, personable style, and attention to detail. His knowledge and expertise across a broad range of commercial practice areas has seen David act for domestic and international clients, as well as government bodies primarily in the areas of insolvency, contracts, equity, corporations, real property (including body corporate issues), building and construction, intellectual property, professional negligence and regulatory matters.

He has been recognised for his expertise in commercial litigation and insolvency by Doyle's Guide and for insolvency by the Australian Financial Review's *Best Lawyers*® (the details of which are provided below). Additionally, David has a wealth of experience in franchising disputes (acting for either the franchisor or franchisee) and pharmaceutical matters.

Complementing his practice, David's negotiation and communication skills are regularly sought after to mediate a wide range of commercial disputes.

He has previously served as a member of the Bar Council, and as the Honorary Assistant Secretary, for the Bar Association of Queensland.

AREAS OF PRACTICE

Arbitration, Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, Intellectual Property, Judicial Review & Administrative, Land Law & Property, Professional Discipline & Regulatory, Professional Negligence, Resources & Energy.

CASES

Orion Resources Pty Ltd -v- Robert Conry Brauer and William James Harris as Joint and Several Receivers and Managers of Ausmex Resources Pty Ltd ACN 618 778 822 (in liquidation) (Receivers and Managers Appointed) as Joint and Several Receivers and Managers of Tombola Gold Ltd ACN 148 860 299 (subject to Deed of Company Arrangement) (Receivers and Managers Appointed) as Joint and Several Receivers and Managers of Ausmex Mining Pty Ltd ACN 612 797 396 (in liquidation) (Receivers and Managers Appointed) **[2026] WASC 107**
April 2026, Corporations

Deputy Commissioner of Taxation, in the matter of Shafston Avenue Construction Pty Ltd (In Liq) v Shafston Avenue Construction Pty Ltd **[2026] FCA 1673**
February 2026, Corporations

Monks v Pieman Resources Pty Ltd **[2025] FCAFC 121**
September 2025, Contract, Corporations

LCE Queensland Pty Ltd v J Hutchinson Pty Ltd **[2025] QSC 271**
May 2025, Building & Construction, Corporations

Goldsmith & Tippett v AMP Life Ltd; Goldsmith & Tippett v Resolution Life Australasia Limited **[2024] QCA 184**
October 2024, Corporate Insolvency & Bankruptcy, Land Law & Property

Legal Services Commissioner v Li **[2023] QCAT 383**
October 2023, Judicial Review & Administrative, Professional Discipline & Regulatory

Austin BMI Pty Ltd v Deputy Premier (No 2) **[2026] QSC 162**
July 2023, Judicial Review & Administrative

Austin BMI Pty Ltd v Deputy Premier **[2023] QSC 95**
May 2023, Judicial Review & Administrative

Imam v Life (China) Company Limited & Or **[2023] QCA 19**
February 2023, Contract

Goldsmith & Anor v AMP Life Ltd **[2023] QSC 15**
February 2023, Contract

EMClarity Pty Ltd v BSO Network Inc & Anor [No2] **[2023] QCA 11**
February 2023, Contract

EMClarity Pty Ltd v BSO Network Inc & Anor **[2022] QCA 177**
September 2022, Contract

Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland v Queensland Master Builders Association, Industrial Organisation of Employees, in the matter of BUSS (Queensland) Pty Ltd **[2022] FCA 283**
March 2022, Corporations

Allwood v Dr J Sundin, Dr A Chung and Dr C Greaves constituting the general Medical Assessment Tribunal - Psychiatric & Anor **[2022] HCASL 51**
March 2022, Appellate, Judicial Review & Administrative

Goldsmith & Anor v AMP Life Ltd **[2021] HCASL 133**
October 2021, Appellate, Contract, Land Law & Property

Tax Practitioners Board v Hacker (No 4) **[2021] FCA 940**
August 2021, Professional Discipline & Regulatory

Bendigo and Adelaide Bank Ltd v Prichard **[2021] QSC 179**
August 2021, Contract

Goldsmith & Anor v AMP Life Limited **[2021] QCA 20**
February 2021, Appellate, Contract, Land Law & Property

Freeman v Montgomery **[2021] QDC 53**
February 2021, Commercial Equity, Contract, Land Law & Property

Tax Practitioners Board v Hacker (No 3) **[2020] FCA 1814**
December 2020, Professional Discipline & Regulatory

Wallace v Byres **[2020] QSC 391**
December 2020, Contract

Wagners Cement Pty Ltd & Anor v Boral Resources (Qld) Pty Limited & Anor **[2020] QCA 289; [2021] QCA 79**
December 2020, Appellate, Contract

The Australian Institute for Progress Ltd v The Electoral Commission of Queensland & Ors (No 2) **[2020] QSC 174**
June 2020, Judicial Review & Administrative

Wallace v Bendigo and Adelaide Bank Limited & Anor **[2020] QCA 122**
June 2020, Appellate, Land Law & Property

Wagners Cement Pty Ltd & Anor v Boral Resources (Qld) Pty Ltd & Anor **[2020] QSC 124**
May 2020, Contract

The Australian Institute for Progress Ltd v The Electoral Commission of Queensland & Or **[2020] QSC 54**
March 2020, Judicial Review & Administrative

New Emerald Coal Pty Ltd v Manlam Pty Ltd **[2019] QLC 43**
November 2019, Land Law & Property, Resources & Energy

Wilmar Sugar Australia Limited v Queensland Sugar Limited **[2019] QSC 116**
May 2019, Contract

Guirguis Pty Ltd & Another v Michel's Patisserie System Pty Ltd & Ors (No 2) **[2019] QDC 11**
February 2019, Competition & Consumer, Contract

Fricke & Anor v WH Frier Building Contractors Pty Ltd & Ors **[2019] QSC 6**
January 2019, Building & Construction

Coast Corp Pacific Pty Ltd v Stockland Development Pty Ltd **[2018] QSC 305**
December 2018, Contract, Land Law & Property

GPS Power Pty Ltd & Ors v CS Energy Ltd **[2018] QSC 294**
December 2018, Contract, Corporations

Currie, Re Country Wellness Group **[2018] FCA 1455**
September 2018, Corporate Insolvency & Bankruptcy, Corporations

The Commissioner of Taxation of the Commonwealth of Australia v Thomas **[2018] HCA 31**
August 2018, Appellate, Judicial Review & Administrative, Tax

Slopen Main Pty Ltd (Trustee) v Hope **[2017] FCAFC 203**
December 2017, Appellate, Judicial Review & Administrative

Montserrat Holdings Pty Ltd v Wheeler **[2017] QCA 235**
October 2017, Land Law & Property

Papale v Wilmar Sugar Australia Ltd **[2017] QSC 72**
May 2017, Contract

Guirguis Pty Ltd v Michel's Pattiserie System Pty Ltd Ltd **[2017] QCA 83**
May 2017, Appellate, Competition & Consumer, Contract

Guirguis Pty Ltd & Ors v Michel's Patisserie System Pty Ltd & Ors **[2016] QDC 117**
May 2016, Competition & Consumer

Thorne Developments Pty Ltd v Thorne and Anor **[2016] QCA 63**
March 2016, Appellate, Corporations

Mineralogy Pty Ltd v Sino Iron Pty Ltd (No 6) **[2015] WASC 80**
March 2015, Contract

Fletcher v Fortress Credit Corp (Aust) II Pty Ltd **[2014] QSC 303**
December 2014, Corporate Insolvency & Bankruptcy, Corporations

LQ Management Pty Ltd and Ors v Laguna Quays Resort Principal Body Corporate **[2014] QCA 122**
May 2014, Appellate, Land Law & Property

Westpac Banking Corp v Body Corporate for the Wave Community Title Scheme 36237 **[2014] QCA 73**
April 2014, Appellate, Land Law & Property

Maley v Australian Securities and Investments Commission **[2013] AATA 924**
December 2013, Corporations

Laguna Quays Resort Principal Body Corporate v Laguna Quays Resort Primary Thoroughfare Body Corporate **[2013] QSC 303**

November 2013, Land Law & Property

Re Health World Ltd and Minister for Health and Ageing **[2013] AATA 388**
June 2013, Judicial Review & Administrative

Camm v Linke Nominees Pty Ltd (No 4) **[2013] FCA 223**
March 2013, Appellate, Corporate Insolvency & Bankruptcy

Fletcher and Ors v Fortress Credit Corporation (Australia) II Pty Ltd and Ors **[2012] QSC 359**
November 2012, Corporate Insolvency & Bankruptcy

Pinehurst Nominees Pty Ltd v Coeur De Lion Investments Pty Ltd **[2012] QSC 314**
October 2012, Land Law & Property

Downer EDI Mining Pty Ltd v Wambo Coal Pty Ltd **[2012] QSC 290**
September 2012, Contract

Australian Securities and Investments Commission v Storm Financial Ltd (ACN 064 804 691) (recs and mgrs apptd) (in liq) and Others (No 5) **[2012] 91 ACSR 122**
September 2012, Appellate, Corporations

Australian Securities and Investments Commission v Storm Financial Ltd (ACN 064 804 691) (recs and mgrs apptd) (in liq) and Others (No 5) **[2012] FCA 954**
September 2012, Corporations

Edgetec International Pty Ltd (ACN 010 728 784) v Zippykerb (NSW) Pty Ltd (ACN 109 959 337) and Another **[2012] FCA 281**
March 2012, Appellate, Intellectual Property

Australian Securities and Investments Commission v Administrative Appeals Tribunal **[2011] FCAFC 114**
August 2011, Corporations

Quinlivan v Australian Securities and Investments Commission **[2011] HCATrans 208**
August 2011, Appellate, Corporations

Quinlivan v Australian Securities and Investments Commission **[2010] FCAFC 161**
December 2010, Appellate, Corporations

Re Opus Capital Limited and Australian Securities and Investments Commission **[2010] AATA 723**
September 2010, Corporations

Bank Polska Kasa Opieki Spolka Akcyjna v Richard Zbigniew Opara and Anor **[2010] QSC 93**
March 2010, International

Re Quinlivan and Australian Securities and Investments Commission **[2010] AATA 113**
February 2010, Corporations

EXPERIENCE

David has been retained in a wide range of matters, including the following of note:

Contracts

- Representing a cement supplier in a dispute with its principal customer concerning the proper construction of a long-term supply agreement.
- Acting for a large property developer defending a claim of a collateral contract stemming from precontractual negotiations.
- Representing an electricity retailer in a complex contractual dispute with the owners of the power station.
- A dispute over substantial royalties payable for the mining of iron ore in Western Australia.
- A dispute between a franchisor and a franchisee in a large international franchise about supply chain logistics.
- Acting for franchisors or franchisees in numerous disputes arising out of the franchise relationship.
- Representing a large international sugar miller in wide ranging and protracted disputes with its suppliers and its international marketing agency concerning futures trading losses in excess of AUD 100m.
- A dispute about the proper construction, and performance of, several separate contracts concerning the development of wireless technology for use in equity markets (appeal).
- A dispute about the proper construction, and performance of, a contract concerning a large fashion business conducted in China (appeal).
- Acting for Racing Queensland in a dispute about the proper construction of a settlement deed.
- A dispute enforcing exclusive advertising rights involving the City of Brisbane.

Professional Negligence and Regulatory

- Acting for an engineer in relation to a fire at a resort-style residential complex in the Brisbane CBD which caused extensive damage.
- A dispute involving a fire at a large mine in Central Queensland.
- Acting for the Queensland Law Society.
- A dispute about advice given to use certain chemicals to treat pest infestation on crops.
- Acting for the Tax Agents Board in an action for the imposition of injunctions and penalties on an unregistered tax agent.
- Representing an accountant sued in respect of investment advice.
- Acting for a client to recover shares and dividends misappropriated by a stockbroker.
- Acting for ASIC in several disciplinary matters.
- Representing bank officers and lawyers against whom private criminal prosecutions were brought by borrowers.

Construction

- Urgently applying for injunctive relief before an arbitrator in Singapore to prevent one party to a large construction contract calling on bank guarantees.
- A large and complex dispute about many aspects of the construction of the Gold Coast Light Rail.
- Representing the supplier of electrical equipment in relation to a fire at a cement plant in Gladstone (arbitration).
- A large dispute about the engineering of a landfill in Petrie.

- Advising a large construction company in relation to construction works for the expansion of a major airport in Western Australia.

Property

- Acting for a shopping centre owner in relation to a claim for compensation by a tenant for disruption during a substantial renovation (appeal and special leave).
- Representing the developer of a major site in the Brisbane suburb of Teneriffe in proceedings commenced by a resident for breach of contract and misleading or deceptive conduct based on the expansion of the development.
- Actions by a developer of a residential tower to enforce contracts against purchasers who failed to settle.
- A dispute about the obligation to pay rent under the *Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020* (Q.).
- A dispute about a development at Carseldine, Queensland, involving the quality of the works and the proper construction of the development agreement.
- Acting for several body corporates in various disputes.

Corporate & Insolvency

- Advising in relation to a shareholder dispute involving a listing on the NYSE.
- Proceedings to recover an uncommercial transaction in excess of AUD 210m.
- Proceedings to recover unfair preferences and director related transactions in the order of AUD 20m.
- Acting for the corporate regulator in proceedings to disqualify persons from managing corporations.
- Acting for the corporate regulator in proceedings concerning the collapse of large financial advisory firms.
- Seeking judicial directions and relief from personal liability for administrators appointed to a large group of pharmacies.
- Representing a bank seeking to recover loans made to investors in a large managed investments scheme which failed.
- Various disputes about the application of the PPSA.
- Representing several banks in numerous disputes with borrowers.
- Representing examinees at public examinations in complex liquidations.

Judicial Review & Administrative

- Appearing in the High Court of Australia for the Attorney-General for Queensland in a matter concerning s 118 of the Australian Constitution.
- A judicial review of a decision to grant approval to supply pharmaceutical benefits at premises in Tasmania (trial and appeal).
- Acting for the Electoral Commission of Queensland in a matter concerning the proper interpretation of the *Electoral Act 1992* (Q.).
- Special leave application in respect of a decision not to extend time for the review of a decision under the *Judicial Review Act 1991* (Q.).
- Advising in relation to decisions made by the Federal Minister for the Environment.
- Acting in a judicial review of a decision to call in a development application in relation to a significant recycling facility.

RECOMMENDATIONS

Doyle's Guide to the Australian Legal Profession

2026 – Recommended KC for Construction & Infrastructure (Queensland) and Insolvency & Restructuring (Queensland)

2024-25 – Recommended KC for Commercial Litigation & Dispute Resolution (Queensland) and Insolvency & Restructuring (Queensland)

2023 – Recommended KC for Insolvency & Restructuring (Queensland)

2022 – Leading junior counsel for Commercial Litigation & Dispute Resolution, Recommended junior counsel for Insolvency & Restructuring (Australia)

2021-22 – Leading junior counsel for Insolvency & Restructuring (Queensland)

2021-22 – Preeminent junior counsel for Commercial Litigation & Dispute Resolution (Queensland)

2020 – Preeminent junior counsel for Commercial Litigation & Dispute Resolution (Australia)

2020 – Preeminent junior counsel for Commercial Litigation & Dispute Resolution (Queensland)

2019-20 – Leading junior counsel for Commercial Litigation & Dispute Resolution (Queensland)

2018 – Recommended junior counsel for Insolvency (Queensland)

2018 – Recommended junior counsel for Commercial Litigation & Dispute Resolution (Queensland)

2017 – Recommended junior counsel for Commercial Litigation & Dispute Resolution (Queensland)

2015 – Recommended junior counsel for Insolvency (Queensland)

Australian Financial Review's *Best Lawyers*®

2022-27 – Listed for Commercial and Insolvency and Reorganisation Law

2021 – Listed for Insolvency and Reorganisation Law

APPOINTMENTS

2016-2020 Bar Council Member and Assistant Honorary Secretary, Bar Association of Queensland

MEMBER

Bar Association of Queensland

CAREER

2022 Appointed King's Counsel

2009 Barrister (Brisbane)

2007 Solicitor, Mallesons Stephen Jaques (now King & Wood Mallesons) (Brisbane)

2006 Associate to Justice JS Douglas, Supreme Court of Queensland (Brisbane)

EDUCATION

2005 LLB (Hons), B Int Bus (Griffith)

PUBLICATIONS

The "momentous" UK Supreme Court Decision on Directors Duties in Respect of Creditors' Interests You Need to Know About
December 2022, Corporate Insolvency & Bankruptcy, Corporations

All cards face up: practical and ethical considerations when applying for ex parte relief
February 2019, Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Employment & Industrial, Insurance, Intellectual Property, International, Land Law & Property, Media & Defamation, Planning & Environment, Professional Negligence, Resources & Energy, Succession

Liability limited by a scheme approved under professional standards legislation