

DAVID CHESTERMAN

YEAR OF CALL: 2009

David's practice is focused on the efficient resolution of all kinds of complex commercial disputes, but with a particular focus on the areas of insolvency, contracts, equity, banking and finance, corporations, real property (including body corporate issues), intellectual property and professional negligence.

He is regularly instructed to represent major corporate clients and insurers at trials and pre-trial hearings (both curial and arbitral), and in appeals and mediations. David has over a decade of experience in commercial litigation.

Prior to coming to the Bar David worked at Mallesons Stephen Jaques (now King & Wood Mallesons). He also served as the Associate to the Honourable Justice JS Douglas of the Supreme Court of Queensland.



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AREAS OF PRACTICE

Arbitration, Banking, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, Intellectual Property, Land Law & Property, Resources & Energy.

CASES

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

GPS Power Pty Ltd & Ors v CS Energy Ltd[2018] QSC 294

December 2018, Contract, Corporations

Currie, Re Country Wellness Group [2018] FCA 1455[2018] QSC 249

September 2018, Corporate Insolvency & Bankruptcy, Corporations

The Commissioner of Taxation of the Commonwealth of Australia v Thomas[2018] HCA 31

August 2018, Judicial Review & Administrative, Tax

Slopen Main Pty Ltd (Trustee) v Hope[2017] FCAFC 203

December 2017, 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 Patisserie System Pty Ltd Ltd[2017] QCA 83

May 2017, Contract, Competition & Consumer

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 Ano[2016] QSC 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, 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 Tribuna*[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

- 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.
- Urgently applying for injunctive relief before an arbitrator in Singapore to prevent one party to a large construction contract calling on bank guarantees.
- 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.
- 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 \$100 million.

Corporate & Insolvency

- Proceedings to recover an uncommercial transaction in excess of \$210 million.
- Proceedings to recover unfair preferences and director related transactions in the order of \$20 million.
- 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.

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).

RECOMMENDATIONS

Doyle's Guide to the Australian Legal Profession

2019 – 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)

APPOINTMENTS

2016-2018 Bar Council Member and Assistant Honorary Secretary, Bar Association of Queensland

MEMBER

Bar Association of Queensland

CAREER

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

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