

# 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.

LEVEL  
TWENTY  
SEVEN  
CHAMBERS



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## AREAS OF PRACTICE

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

## CASES

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***Goldsmith & Anor v AMP Life Ltd*** [2021] HCASL 133

October 2021, Contract

***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, Contract

**Freeman v Montgomery [2021] QDC 53**  
February 2021, 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, Contract

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

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

**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 Anor***[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

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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**

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### **Doyle's Guide to the Australian Legal Profession**

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

2021 – 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 – Listed for Commercial and Insolvency and Reorganization Law

2021 – Listed for Insolvency and Reorganization Law

**APPOINTMENTS**

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

**MEMBER**

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Bar Association of Queensland

**CAREER**

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**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**

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

**PUBLICATIONS**

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**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*