



## DAVID McLURE SC

*Master of Laws - Australian National University (2015)*  
*National Security Law Institute - University of Virginia (2007)*  
*Bachelor of Laws - Queensland University of Technology (1998)*

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### Legal Assistants

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### Clerk of Chambers

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### Admitted to the legal profession

1998

### Admitted as a barrister in NSW

2002

### Appointed as Senior Counsel

2015

### Also entitled to practise in

Australian jurisdictions (Commonwealth,  
State and Territory)

David McLure SC is a versatile silk with a leading commercial and public law practice. He is an experienced trial and appellate advocate, having conducted cases in a range of fields including corporate crime, banking, insolvency and taxation.

David is regularly briefed to provide insurance advice in connection with class action litigation.

David is a Colonel in the Army Reserve. In 2008 he deployed to Afghanistan as part of the Special Operations Task Group.

Chambers Global and Chambers Asia-Pacific 2015 – 2020 - band 4 in Dispute Resolution: "David McLure SC stands out for the diversity of his practice, which extends beyond the general commercial to embrace matters arising in the insurance, shipping, sporting and taxation spheres. A referee describes him as a source of "excellent tactical and strategic advice" who remained "practical and hands-on across all aspects of a very large matter."

## PROFESSIONAL EXPERIENCE

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David is a reserve officer in the Australian Army and currently holds the rank of Colonel. He deployed to Afghanistan in 2008.

David has been a member of Australian Olympic Committee selection appeals tribunals and has appeared in various sporting disciplinary hearings.

## AWARDS OR PROFESSIONAL RECOGNITION

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**Chambers Global and Chambers Asia-Pacific** 2015 – 2020- Dispute Resolution

**Best Lawyers in Australia** 2015 – 2021 – Banking and Finance Law, Litigation

## SELECTED CASES

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- **Ruby Princess Special Commission of Inquiry** – counsel for the owners and operators of the Ruby Princess
- **Binsaris v Norther Territory of Australia** [2020] HCA 22; [2019] NTCA 1; (2017) 317 FLR 324; [2017] NTSC 22 – claims by former detainees at the Don Dale detention centre
- **Commissioner of Taxation v Bogiatto** [2020] FCA 1139 – promoter penalty proceedings
- **Delor Vue Apartments CTS 39788 v Allianz Australia Insurance Ltd (No 2)** [2020] FCA 588 – insurance, estoppel
- Counsel assisting the **Law Enforcement Integrity Commissioner in Operation Angove**, an inquiry concerning interactions between the Department of Home Affairs and Crown Casino
- **Hawkins v Council of the NSW Bar Association** [2019] NSWCATOD 148 – disciplinary proceedings
- **Commissioner of Taxation v Iannuzzi** [2019] FCA 1818; [2019] FCAFC 39; [2018] FCA 1053 – inquiry into conduct of liquidator
- **Commissioner of the Australian Federal Police v Cranston** [2019] NSWCA 101; [2018] NSWSC 365; [2018] NSWSC 542; [2017] NSWSC 624; [2017] NSWSC 673; [2017] NSWSC 674 – application for orders under the Proceeds of Crime Act 2002 (Cth)
- **Greencapital Aust Pty Ltd v Pasmenco Cockle Creek Smelter Pty Ltd (Subject to Deed of Company Arrangement)** [2019] NSWCA 53 – contract dispute in relation to development land
- **State of New South Wales v Naaman (No 2)** [2018] NSWCA 328 – terrorism control order
- **Commonwealth Steel Company Limited v BHP Billiton Marine & General Insurance Limited** [2018] NSWCA 242; [2017] NSWSC 1445 – insurance
- **Farah Custodians Pty Limited v Commissioner of Taxation** [2018] FCA 1185 – claim of misfeasance in public office against Commissioner of Taxation
- **Betts v Chief of Army** [2018] ADFDAT 2 – appeal against conviction

- **Perry Park Pty Ltd v City of Darwin** [2018] NTCA 5; [2017] NTSC 37; [2016] NTSC 27 – Leases and tenancies
- **Commissioner of the Australian Federal Police v Pratten** [2017] NSWSC 927 – application for exclusion from forfeiture
- **Douglas v Chief of Army** [2017] ADFDAT 5 – appeal against conviction
- **R v Gall** (6 Feb – 2 Mar 2017) – trial of former member of the ADF charged with dangerous driving following Unimog accident at Holsworthy
- **Williams v Chief of Army** [2016] ADFDAT 3 – appeal against conviction; constitutional basis for proceedings before service tribunals
- **Obeid v Ipp** (2016) 338 ALR 234; [2016] NSWSC 1376; [2015] NSWSC 1891 – claim of misfeasance in public office against officers and counsel assisting ICAC
- **Sharkey v Mayahi-Nissi (No 3)** [2016] NSWSC 537 – Court’s supervisory jurisdiction to restrain legal practitioners from brining the administration of justice into disrepute.
- **Lawrie v Lawler** (2016) 168 NTR 1; [2016] NTCA 3; [2015] NTSC 19 – application for judicial review of decision by Commissioner appointed under the Inquiries Act (NT).
- **Thompson v Chief of Navy** [2015] ADFTDAT 1 – appeal from general court martial; application to withdraw pleas of guilty.
- **Commonwealth Bank of Australia v Segal (No 2)** [2015] NSWSC 656 – disputed debt under credit facility.
- **Comeskey v Council of the NSW Bar Association** [2015] NSWSC 824 – appeal against decision of Bar Council to refuse to issue practicing certificate.
- **Prepaid Services v Atradius** [2015] HCATrans 155; [2014] NSWCA 440; [2014] NSWSC 21; [2013] NSWCA 252; [2012] NSWSC 608 – credit default insurance.
- **Shannon v Commonwealth Bank of Australia** (2014) 318 ALR 420; [2014] FCAFC 108; [2013] FCA 1430 – personal insolvency agreements.
- Counsel assisting the **Independent Commission Against Corruption in Operation Nickel**, a public inquiry into allegations of corrupt practices by Roads and Maritime Service accredited assessors (2013, report delivered January 2014)
- **Independent Commission Against Corruption** Investigation into the conduct of certain City of Ryde councillors (2013, report delivered January 2014) – counsel for former Ryde councillor.

- **ADF Commission of Inquiry** into the death of Sapper Jordan Penpraze in a military training accident in 2012.
- **Yewsang v Chief of Army** [2013] ADFDAT 1 – appeal against conviction by Defence Force Magistrate for misuse of financial allowance.
- **Westpac Banking Corporation v Lee** [2013] NSWCA 375; [2012] NSWSC 899 – misleading or deceptive conduct in relation to complex financial products.
- **Asuzu v Council of the New South Wales Bar Association** [2012] NSWCA 406; [2012] NSWADT 183; [2012] NSWADT 104; [2011] NSWADT 209 – counsel for the Bar Council in disciplinary proceedings against former barrister.
- **Hingston v Westpac Banking Corporation** [2012] FCAFC 41; (2012) 200 FCR 493; (2010) 117 ALD 552 – appeal against order to set aside bankruptcy composition.
- **Signorelli v M G South Pty Ltd** [2012] NSWSC 1606 – professional negligence.
- **Re Civilian Casualty Court Martial** (2011) 259 FLR 208 – ADF member charged with manslaughter arising from combat incident in Afghanistan.
- **Davis v Chief of Army** [2011] ADFDAT 1; (2011) 278 ALR 199 – whether the common law of Australia incorporates the absence of consent as an element of the offence of assault occasioning bodily harm.
- **Westpac Banking Corporation v Velingos** [2011] NSWSC 607 – misleading or deceptive conduct in relation to loan and mortgage.
- **Mobileciti Pty Ltd v Vodafone Pty Ltd** [2011] NSWCA 52 – misleading or deceptive conduct by telecommunications dealer.
- **Cargill International SA v Peabody Australia Mining Ltd** [2010] NSWSC 887; (2010) 78 NSWLR 533 – leave to appeal against arbitrator’s award. Construction of International Arbitration Act 1974 (Cth)
- **ADF Commission of Inquiry** into the death of Lance Corporal Edwards – counsel for the tactical commander of LCPL Edwards, who was accidentally shot and killed during a training activity in preparation for deployment to Afghanistan.
- **White v Director of Military Prosecutions** (2007) 231 CLR 570 – constitutional validity of military judicial power.
- **Comandate Marine Corp v Pan Australia Shipping Pty Ltd** (2006) 157 FCR 45; [2006] FCAFC 192 – international arbitration and anti-suit injunctions.

- **Elbe Shipping SA v Ship 'Global Peace'** (2006) 154 FCR 439; [2006] FCA 954 – constitutional and admiralty law – whether s 76(iii) of Constitution exhausted by Admiralty Act 1988 (Cth).
- **ADF Commission of Inquiry** into the loss of the Royal Australian Navy Sea King helicopter on Nias Island – counsel for the RAN Fleet Engineering Aviation Officer.
- **Hoffman v Chief of Army** (2004) 137 FCR 520; [2004] FCAFC 148 – abuse of process in relation to disciplinary charges.

## PRINCIPAL AREAS OF PRACTICE

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### COMMERCIAL LAW

Administrative Law

Class Actions

Insurance and Reinsurance

Banking and Financial Services

Competition and Consumer

Professional liability

Bankruptcy and Insolvency

Contracts

### CRIMINAL

Fraud

Proceeds of crime

White collar and corporate crime

### INQUESTS AND INQUIRIES

Commissions of inquiry

### PUBLIC AND ADMINISTRATIVE LAW

Constitutional law

Disciplinary proceedings

Proceeds of crime

### TAXATION AND REVENUE

Goods and services tax

Income tax

Payroll tax

## SECTORS

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Banks and Financial Institutions

Funds

Government

Defence