



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)

T +61 2 9151 2029

F +61 2 9233 1850

E mclure@newchambers.com.au

in [david-mclure-sc-9b5551105](#)

Legal Assistants

Jacob Elliott / Penelope Dawson

T +61 2 9151 2007

E elliott@newchambers.com.au /
dawson@newchambers.com.au

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 – 2022 - band 4 in Dispute Resolution: David McLure SC is active across an impressive range of practice areas, including, but by no means limited to, those of corporate crime, financial services, insolvency, taxation and shipping. An instructing solicitor notes not only his "ability to grasp difficult concepts in specialist areas of expertise," but also the fact that he is "very precise in what he does, focuses on key issues and identifies litigation strategies very early on." Another 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

- 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

Chambers Global and Chambers Asia-Pacific 2015 – 2022- Dispute Resolution

Best Lawyers in Australia 2015 – 2022 – Banking and Finance Law, Litigation

SELECTED CASES

- [Allianz Australia Insurance Limited v Delor Vue Apartments](#) [2022] HCA 38; [2021] FCAFC 121; [2020] FCA 588 – insurance, estoppel, waiver, duty of utmost good faith
- [New South Wales v Hardy](#) [2022] NSWSC 1724 - high risk offenders
- [Carnival plc v Karpik \(The Ruby Princess\)](#) [2022] FCAFC 149; [2021] FCA 1082 – private international law; class actions
- [Campbell v Northern Territory of Australia](#) [2022] FCAFC 37; [2021] FCA 1089 - youth detention
- [Marlin Brands Australia Ltd v Brando Aus Holdco Pty Ltd](#) [2022] NSWCA 59 - joinder
- [Cihan v Cihan](#) [2022] NSWSC 538 – discretionary trusts
- [Cargill Australia Ltd v Viterro Malt Pty Ltd \(No 28\)](#) [2022] VSC 13
- [Commissioner of Taxation v Bogiatto](#) [2021] FCA 98; [2020] FCA 1139 - promoter penalty proceedings
- [DMS Maritime Pty Limited v Navigators Corporate Underwriters Limited](#) [2020] QSC 382 – marine insurance
- [Ruby Princess Special Commission of Inquiry \(2020\)](#) – counsel for the owners and operators of the Ruby Princess. Report [here](#).
- [Binsaris v Northern Territory of Australia](#) (2020) 270 CLR 549; [2020] HCA 22; [2019] NTCA 1; (2017) 317 FLR 324; [2017] NTSC 22 – claims by former detainees at the Don Dale detention centre
- 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 Pasmaico 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 bringing 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).
- [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.
- [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.
- [White v Director of Military Prosecutions](#) (2007) 231 CLR 570 – constitutional validity of military judicial power.

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Administrative Law

Class Actions

Maritime

Admiralty and Maritime

Competition and Consumer

Professional liability

Banking and Financial Services

Contracts

Bankruptcy and Insolvency

Insurance and Reinsurance

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

Banks and Financial Institutions

Funds

Maritime

Defence

Insurance

Government