



David Robertson



BEC (Hons) (Syd), LLB (Hons) (Syd), BCL (Dist) (Oxon)

Telephone +61 2 9151 2055
Clerk’s telephone +61 2 9151 2080
Fax +61 2 9233 1850
Email robertson@newchambers.com.au

Admitted to the legal profession 2013
Admitted as a barrister in NSW 2013
Also entitled to practise in All Australian jurisdictions ^{[[1]]} (Commonwealth, State and Territory)

Principal areas of practice Commercial law
Corporations law
Equity
Insolvency (corporate and personal)
Planning & Environment
Professional negligence
Public law (administrative and constitutional)
Real property

Professional memberships New South Wales Bar Association
Commercial Law Association of Australia
Australian Association of Constitutional Law
Australian Restructuring Insolvency and Turnaround Association (ARITA)

Previous professional experience Associate to the Hon WMC Gummow AC, High Court of Australia, 2010-2011

Commercial & Equity

- *Silversea Cruises Australia Pty Ltd v Abellanoza* [2019] NSWCA 306 (unled); see also first instance decision *Silversea Cruises Australia Pty Ltd v Abellanoza* [2018] NSWSC 1565; (2018) 131 ACSR 346 (unled) – Breach of fiduciary duty; Accessorial liability
- *Wyzenbeek v Australasian Marine Imports Pty Ltd* [2019] FCAFC 167 (unled); see also first instance decision *Wyzenbeek v Australasian Marine Imports Pty Ltd (No 2)* [2018] FCA 1517 (unled) – Sale of goods; Misleading & deceptive conduct; Breach of contract; Damages; Insurance
- *Olsen v Olsen* [2019] NSWCA 278 (led by M Condon SC) – Family provision; Apprehension of bias
- *Citystar International Pty Ltd v Elite 100 Australia Pty Ltd* [2019] NSWDC 454 (unled) – Breach of contract; Misleading and deceptive conduct
- *Burwood Council v Jardine Lloyd Thompson Pty Ltd* [2019] NSWSC 268 (led by M Wright SC) – Mutual insurance schemes; Unincorporated associations; Contractual interpretation
- *Sayers v Sayers* [2018] NSWCA 301 (unled); see also first instance decision *Sayers v Sayers* [2018] NSWSC 519 (unled) – Proprietary estoppel; Trusts; Wills & Estates
- *McLaren v Hugo White Pty Ltd* [2018] NSWDC 226 (led by C Erskine SC) – Professional negligence (solicitors)
- *CBP Contractors Pty Ltd v Rizzani De Eccher Australia Pty Ltd* [2017] NSWSC 1798 (led by F Hicks SC) – Contractual interpretation; Joint venture agreement; Arbitration clause
- *Oneflare Pty Ltd v Chernih* [2017] NSWCA 195 (led by M Condon SC); *Oneflare Pty Ltd v Chernih* [2016] NSWSC 1271; [2016] Aust Torts Rep 82-303 (unled) – Professional negligence (search engine optimisation (SEO))

Corporations & Insolvency

- *Re ACN 104 635 369 Pty Ltd* [2020] NSWSC 242 (unled) – Contested approval of liquidator's remuneration; Application to reinstate company
- *Re Cresco Opus Fund No 4 Pty Ltd (Administrator appointed)* [2019] NSWSC 941 (led by C Harris SC) – Application to wind up company following appointment of administrator
- *In the matter of Amanda Young* [2018] NSWSC 2021 (unled) – Travel restriction orders
- *In the matter of Courtenay House Capital Trading Group Pty Ltd (In liq)* [2018] NSWSC 1918; (2018) 133 ACSR 451 (led by R Scuby SC) – Freezing Orders; Breach of trust; Breach of directors duties; Accessorial liability
- *In the matter of Courtenay House Capital Trading Group Pty Ltd (In liq)* [2018] NSWSC 604 (unled) – Public examinations; Application by examinee to hold public examination in private
- *In the matter of Lesso Building Material Trading (Sydney) Pty Ltd* [2018] NSWSC 1486 (led by C Harris SC) – Directors' meetings (whether validly convened); Appointment of administrator (whether validly appointed)

Public Law (Administrative & Constitutional)

- *Reynolds v Commissioner of Police* [2020] FCAFC 82 (led by K Eastman SC) – Judicial review; Statutory construction
- *Malek Fahd Islamic School Ltd v Non-Government Schools Not-For-Profit Advisory Committee* [2020] NSWCATAP 19 (led by K Richardson SC) – Statutory construction
- *O'Sullivan v Commissioner of Police* [2019] FCA 1367 (led by K Eastman SC) – Judicial review; Statutory construction
- *Fisk v Chief of the Defence Force (No 2)* [2017] FCA 1490 (unled) – Judicial review; Statutory construction
- *Chief of the Defence Force v Gaynor* [2016] FCAFC 41; (2016) 246 FCR 298 (led by JT Gleeson SC, Commonwealth Solicitor-General, and JK Kirk SC) – Constitutional law (Implied freedom of political communication); Judicial review

Real Property & Planning and Environment

- *Aussie Skips Recycling Pty Ltd v Strathfield Municipal Council* [2020] NSWLEC 22 (led by M Wright SC) – Application for imposition of easements pursuant to s 88K of the *Conveyancing Act 1919* (NSW)
- *Pittking Properties Pty Ltd v Waverley Council* [2020] NSWLEC 21 (led by A Galasso SC) – Judicial review of Council’s assessment of project under Part 5 of the *Environmental Planning and Assessment Act 1979* (NSW)
- *Newland Developers Pty Ltd v Tweed Shire Council* [2020] NSWLEC 1107 (led by J Lazarus SC) – Development application; Class 1 appeal
- *Lithgow State Mine Railway Ltd v City of Greater Lithgow Mining Museum Inc* [2019] NSWSC 1131 (unled) – Specific performance for contract for sale of land
- *Darzi Group Pty Ltd v Nolde Pty Ltd* [2019] NSWCA 210; 100 NSWLR 394 (led by M Condon SC): see also first instance decision *Darzi Group Pty Ltd v Nolde Pty Ltd* [2019] NSWSC 335 (unled) – Lease dispute; *Retail Leases Act*; Specific performance of agreement for lease
- *Moorebank Recyclers Pty Ltd v Talane Pty Ltd* [2018] NSWCA 304; see also first instance decision *Moorebank Recyclers Pty Ltd v Talane Pty Ltd (No 2)* [2017] NSWLEC 186 (led by T Hale SC) – Judicial review (Class 4); Planning law; Planning proposals
- *Hunters Hill Council v Minister for Local Government* [2017] NSWCA 188; (2017) 224 LGERA 1 (led by T Robertson SC and A Galasso SC with J Lazarus and J Walker) – Judicial review (Class 4); *Local Government Act*; Power of Minister to amalgamate local councils