



DAVID SOUTHWOOD

Juris Doctor (Distinction) University of New South Wales
Bachelor of Arts (Advanced) (Honours Class I) University of Sydney

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Admitted to the legal profession
2017

Admitted as a barrister in NSW
2022

Also entitled to practise in
All Australian jurisdictions (Commonwealth,
State and Territory)

David accepts briefs in all areas of law. He has appeared in a range of civil and criminal matters.

David commenced his career at Herbert Smith Freehills, where he acted for major corporate clients in tax disputes (diverting profits tax, transfer pricing and land valuation), ASIC and ATO regulatory investigations (tax audits and financial services), competition matters (merger clearance) and general commercial disputes.

During his time at Herbert Smith Freehills, he completed a secondment to The Shopfront Youth Legal Centre, a legal service for homeless and disadvantaged young people. He routinely appeared in the Local and District Courts in summary hearings, sentences, appeals and bail applications.

Prior to joining New Chambers, David worked at Everingham Solomons Solicitors, a regional firm based in New England. He acted for clients in the Local, District and Supreme Courts (family provision, real property, professional negligence, partnership disputes and construction disputes), the Land and Environment Court (Class 1 merits review) and the NSW Civil and Administrative Tribunal (building disputes and administrative review). In this role, he had carriage of matters from initial advice through to final hearing.

PROFESSIONAL EXPERIENCE

2020 – 2022: Solicitor, Everingham Solomons Solicitors (Dispute Resolution)

2017 – 2020: Solicitor, Herbert Smith Freehills (Dispute Resolution)

2019 – 2020: Seconded Solicitor, The Shopfront Youth Legal Centre (a legal service for homeless and disadvantaged young people)

2018 – 2019: Contributor, Butterworths Corporations Law Bulletin

PROFESSIONAL MEMBERSHIPS

New South Wales Bar Association

Australian Bar Association

PUBLICATIONS

2018 – 2019: Contributor to the Butterworths Corporations Law Bulletin.

AWARDS OR PROFESSIONAL RECOGNITION

2017 UNSW Dean's List for Excellence in Mediation.

SELECTED CASES

As a solicitor

- **Vodafone Hutchison Australia Pty Limited v ACCC & TPG Telecom Ltd** [2020] FCA 117 – Acted for TPG Telecom Ltd. Successfully obtained a declaration that the merger of Vodafone Hutchinson Pty Ltd and TPG Telecom Ltd would not contravene section 50 of the *Competition and Consumer Act 2010* (Cth).
- **OXC Bidco Pty Ltd v Dickson** – Acted for a private equity affiliated corporate group in Supreme Court of NSW proceedings in relation to an M&A transaction, involving allegations of warranty breaches, raising significant accounting and forensic issues. Resolved.
- **AWF Prop Co & Ors v Ararat Rural City Council & Valuer-General Victoria** [2020] VSC 853 – Acted for the plaintiff windfarm operator in a dispute concerning the valuation of land for the purpose of determining contributions under the Victorian Fire Services Property Levy.
- **Barker v Water Administration Ministerial Corporation** [2022] NSWLEC 1357 – Acted for a rural landowner in a Class 1 merits appeal in relation to a decision to grant a flood work approval. Successfully retained flood work approval.
- **Nanevski Developments Pty Ltd v Slaveski; Mega-Top Cargo Pty Ltd v Nanevski Developments Pty Ltd** [2022] NSWSC 1066 – Acted for the plaintiffs in relation to a property development dispute involving contested partnership and joint venture claims.

- **Wild v McKay** – Acting for members of a Commonwealth water irrigation scheme in relation to allegations of breaches of fiduciary duty and professional negligence. Resolved.
- Acting for ASX-listed companies in relation to ASIC investigations and ATO audits/disputes.
- Acting for Tabcorp in an arbitration in which representatives of the Victorian racing industry alleged breaches of the Tabcorp / VicRacing joint venture.
- Acting for CBA in the Administrative Appeals Tribunal in its R&D incentive dispute with Innovation & Science Australia and the ATO.
- Acting for multiple applicants in the Supreme Court in proceedings brought under the *Succession Act 2006* (NSW).
- Acting for ASX-listed Bingo Industries on its acquisition of Dial a Dump Industries.
- Acting for ERAMET SA on its hostile takeover of ASX-listed Mineral Deposits Ltd.
- Acting in the Supreme Court, District Court and NSW Civil and Administrative Tribunal in proceedings brought under the *Home Building Act 1989* (NSW).
- Acting in unfair dismissal proceedings in the Fair Work Commission.
- Acting for plaintiffs and defendants in the Local and District Court in respect of various contractual and tortious claims.
- Acting in criminal proceedings in the Local and District Courts including in summary hearings, sentences, appeals and bail applications.
- Acting for applicants in respect of applications for revocation of mandatory visa cancellations under the *Migration Act 1958* (Cth).

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Administrative Law	Building, Construction and Technology	Environment and Planning
Alternative Dispute Resolution	Competition and Consumer	Mining Resources and Energy
Arbitration	Contracts	Partnership Dispute
Banking and Financial Services	Corporations and Securities	Real Property
Bankruptcy and Insolvency		

EQUITY

Alternative Dispute Resolution	Property	Trusts
Family provisions		

COMMON LAW

Alternative Dispute Resolution	Professional Liability
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TAXATION AND REVENUE

Goods and Services Tax	Land Tax	Stamp Duty and Other State Taxes
International Tax		

PUBLIC AND ADMINISTRATIVE LAW

Alternative Dispute Resolution	Judicial Review and Administrative Law	Public Law
Appellate	Merits Review	

CRIMINAL

Appellate	Fraud	White Collar and Corporate Crime
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SECTORS

- Agribusiness

Banks & financial institutions

Government
- Infrastructure and Transport

Primary Industries
- Technology, Media and Telecommunications