



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 has a broad practice which includes commercial law, regulatory proceedings, class actions, corporations matters and equity. He regularly appears led and unled in a range of courts and tribunals.

He brings a unique blend of commercial and practical experience to the bar, which enables him to provide strategic and straightforward advice.

David commenced his career as a solicitor at Herbert Smith Freehills. While at HSF, he completed a secondment to The Shopfront Youth Legal Centre, a legal service for homeless and disadvantaged young people, where he routinely appeared in criminal hearings and applications in the Local and District Courts. Immediately prior to coming to the Bar, he was a solicitor in a regional firm, Everingham Solomons Solicitors, where he had carriage of commercial and civil matters from initial advice to final hearing.

He is an author of the Australian Corporation Practice published by LexisNexis.

David's CV contains a list of his recent matters.

SELECTED CASES

As Counsel

Class actions

- [Ursula Raad v The Cosmetic Institute Pty Ltd](#) (led by A McInerney SC; acting for nine defendant doctors in a Supreme Court of NSW medical negligence class action).

Regulatory

- [Australian Securities & Investments Commission v Bakken Holdings Pty Ltd](#) (led by G Walker SC; acting for ASIC in the Federal Court in a dispute alleging misleading or deceptive conduct and systemic unconscionable conduct).
- [Australian Taxation Office](#) (acting for the Commissioner of Taxation on an ongoing audit).

Commercial

- [Northern Inland Credit Union Ltd v Temenos Australia Operations Pty Ltd](#) (led by B Katekar SC; acting for the plaintiff in the Supreme Court of NSW in a dispute alleging misleading or deceptive conduct).

- [DKJ Investment Holdings Pty Ltd v Reliable Conveyor Belt Holdings Pty Ltd](#) (led by B Katekar SC; acting for the applicant in the Federal Court in a dispute alleging shareholder oppression).
- [Harriette & Co Pty Ltd v Platine Property Development Pty Ltd & Ors](#) [2022] NSWSC 1536; [2022] NSWSC 1611 (led by M Condon SC; acting for the plaintiff in the Supreme Court of NSW in a dispute concerning enforcement of a mortgage, the doctrine of penalties and unconscionable conduct).
- [Michel v Pegela Pastoral Holdings Pty Ltd](#) (led by M Condon SC; acting for the plaintiff in the Supreme Court of NSW in a dispute concerning a sharefarming agreement and the discharge of mortgage).
- [City Star Group Pty Ltd v Qing Hu](#) (led by M Condon SC; acting for the applicant in the Federal Court in a dispute alleging copyright infringement, breach of duties owed by employees to employer, knowing assistance/receipt).
- [Julie Lei Yen Wong v Dale Thomas & Ors](#) (unled; acting for the defendants in the Supreme Court of NSW in a dispute concerning alleged breaches of a joint venture agreement for property developments).

Appellate

- [Guan v Li \(No 2\)](#) [2022] NSWCA 261 (led by M Condon SC; acting for the appellant in an appeal concerning a freezing order in aid of prospective proceedings in the Federal Circuit and Family Court).

Professional disciplinary

- [Healthcare Complaints Commission v Dr David Kirby](#) (led by J Sheller SC; acting for a defendant dentist in the NCAT Occupational Division in respect of allegations of inappropriate prescribing).

Common law / personal injury

- [Mukhles Ibrahim v Global Marble Australia Pty Ltd](#) (led by J Sheller SC; acting for a defendant in the Dust Diseases Tribunal in a silicosis and insurance dispute).

Family law (property issues)

- [Yunyun Yu v Richie Lin Ze Wang](#) (led by M Condon SC; acting for the respondents in the Federal Circuit and Family Court in relation to complex property related issues, including various interlocutory asset preservation proceedings).

As a solicitor

Competition law

- [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).

Commercial

- [OXC Bidco Pty Ltd v Dickson \[2016\] NSWSC 968](#) – 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.
- [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 Tabcorp in an arbitration in which representatives of the Victorian racing industry alleged breaches of the Tabcorp / VicRacing joint venture.

Tax

- [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.
- Acting for CBA in the Administrative Appeals Tribunal in its R&D incentive dispute with Innovation & Science Australia and the ATO.

Environment/ Planning

- [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 floor work approval.

Equity

- Acting for multiple applicants in the Supreme Court in proceedings brought under the Succession Act 2006 (NSW).

Corporate

- 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.

Construction

- Acting in the Supreme Court, District Court and NCAT in proceedings brought under the *Home Building Act 1989* (NSW).

Employment

- Acting in unfair dismissal proceedings in the Fair Work Commission.

Public law

- Acting for applicants in respect of applications for revocation of mandatory visa cancellations under the *Migration Act 1958* (Cth).

PROFESSIONAL EXPERIENCE

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

PROFESSIONAL MEMBERSHIPS

- New South Wales Bar Association
- Australian Bar Association

PUBLICATIONS

- **2018 – 2019:** Contributor to the Butterworths Corporations Law Bulletin.
- **2023 – current:** Author, Australian Corporation Practice, LexisNexis.

AWARDS OR PROFESSIONAL RECOGNITION

- **2017** UNSW Dean's List for Excellence in Mediation.

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		

CRIMINAL

Appellate	Fraud	White Collar and Corporate Crime
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SECTORS

Agribusiness	Infrastructure and Transport	Technology, Media and Telecommunication
Banks & financial institutions	Primary Industries	
Government		