



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 is a commercial barrister practising predominantly in complex corporations, equity, regulatory and taxation disputes.

He frequently appears unled in contested interlocutory hearings (freezing orders, injunctions, summary judgment) and final hearings in the Federal, Supreme, and District Courts. He is also led in significant commercial, regulatory, taxation and appellate matters.

David practised as a solicitor at Herbert Smith Freehills Kramer and in a regional commercial litigation practice, giving him first-hand insight into the strategic and commercial pressures facing instructing firms. He runs matters and provides clear, pragmatic and commercially focused advice.

He holds a Juris Doctor (Distinction) (5th in cohort) from the University of New South Wales and a Bachelor of Arts (Advanced) (Hons I) from the University of Sydney.

David accepts briefs in all areas of commercial law, with a particular emphasis on contested interlocutory hearings and trials where direct and robust advocacy is required.

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

UNLED CASES

Morcom Holdings Pty Ltd v Mountain

Asset Partners Pty Ltd & Ors

[2025] FCA 692

Federal Court

Contract / Consumer: Successfully maintained freezing orders obtained in proceedings concerning a collapsed NDIS investment fund.

Von Somogy v Digital Valley Pty Ltd

[2025] NSWSC 1355

Supreme Court

Injunctions / Real Property: Successfully restrained a mortgagee from exercising a power of sale over a commercial farm in an urgent interlocutory hearing.

Re Mosaic Brands Ltd (admins apptd)

(recs & mgrs. apptd)

[2025] NSWSC 722

Supreme Court

Corporations: Successfully obtained orders for a former director of an ASX-listed company to fix their date of resignation pursuant to s 203AA of the *Corporations Act 2001* (Cth)

French v French

Supreme Court

Equity / Real Property: Acting (ongoing) for plaintiff in long-running trial (currently six days) involving allegations of breach of trust/fiduciary duty, fraud and resulting/constructive trusts.

Estate of Ivan Pudarich

[2024] NSWSC 1123

Supreme Court

Equity / Real Property: Successfully appeared in contested interlocutory applications regarding tutor appointments, vacation of hearing and cost disputes. Appeared for beneficiary in four-day trial (settled part-heard).

Falzon Legal Pty Ltd v Manager, Costs**Assessment & Ability One Pty Ltd** [2024]

NSWSC 1202

Supreme Court

Judicial Review: Argued judicial review application brought under s 69 of the *Supreme Court Act* seeking to set aside a cost assessor's decision concerning extensions of time.

Southwell v LaLa Developments Pty Ltd

Supreme Court

Contract / Real Property: Successfully resisted summary judgment application acting for a defendant property developer in proceedings involving breaches of an off-the-plan contract and rescission under s 66ZS of the *Conveyancing Act 1919* (NSW).

Waterproofing 101 Pty Ltd v Wet-seal Management Pty Ltd & Anor

Supreme Court

Contract / Equity: Appeared (ongoing) for plaintiff in claim alleging breach of franchise agreement and equitable estoppel. Successfully argued contested discovery application.

Retast Pty Ltd v Bega Valley Shire Council

Land and Environment Court

Environment / Planning: Acted for respondent council in Class 1 Miscellaneous Appeal

Flexicommercial Pty Ltd v McLaughlin

[2026] FedCFamC2G 100

Federal Circuit and Family Court of Australia

Insolvency / Bankruptcy: Successfully upheld a Registrar's decision to make a sequestration order on review before a judge.

iNova Pharmaceuticals (Australia) Pty Ltd v Letos Group Pty Ltd

[2024] FedCFamC2G 1445; [2024]

FedCFamC2G 1307

Federal Circuit and Family Court of Australia

Freezing Orders / Costs: Appeared for a respondent to a freezing order in respect of associated costs dispute.

Aspirin Pty Ltd (in liq) v George Angelis & Anor

District Court

Corporations: Acting (ongoing) for liquidator seeking recovery of director and related party loans.

Area Ten Pty Ltd v SmartChannel Pty Ltd

District Court

Contract / Consumer Law: Appeared for defendant in four-day trial concerning search engine optimisation services. Judgment reserved.

Yarem Pty Ltd v Orange Property Projects No. 9 Pty Ltd

District Court

Contract: Acting (ongoing) for plaintiff in proceedings involving breach of a share sale agreement.

South Coast Trading Group Pty Ltd v Hanjoena Pty Ltd & Ors

District Court

Consumer Law: Acting (ongoing) for defendants resisting claims of misleading or deceptive conduct in relation to the sale of a business.

Timilty Constructions Pty Ltd v Culina

[2023] NSWCATAP 28

NCAT Appeal Panel

Appellate (Construction): Appeared for an appellant builder in proceedings before the NCAT Appeal Panel.

LED CASES

Hai Zhong Cai v Hong Chu & Anor (2025) 312 FCR 1; [2025] FCAFC 130; [2024] FCA 1521	Led by D Pritchard SC, M Condon SC	Appellate (Equity): Full Federal Court concerning director accessorial liability for equitable wrongs. Appeared unled in associated bankruptcy and interlocutory proceedings (freezing orders; stay application; security for costs).
Morcom Holdings Pty Ltd v Mountain Asset Partners Pty Ltd & Ors [2025] FCA 692; [2025] FCA 977; [2025] FCA 1139	Led by M Sheldon	Contract / Consumer: Federal Court acting (ongoing) for an investor in a collapsed NDIS housing investment fund. Appeared unled in interlocutory freezing order hearings.
Australian Securities & Investments Commission v Bakken Holdings Pty Ltd	Led by G Walker SC	Corporations / Consumer: Federal Court acting (ongoing) for ASIC in proceedings alleging systemic unconscionable conduct and misleading and deceptive conduct. Speaking role on misleading or deceptive conduct submissions at trial.
Michel v Pegela Pastoral Holdings Pty Ltd	Led by M Condon SC, R Scrubby SC	Equity / Real Property: Supreme Court acting for plaintiff in sharefarming / lease dispute. Appeared unled in urgent injunction hearings, cost hearings and contested discovery applications.
Guan v Li (No 2) [2022] NSWCA 261	Led by M Condon SC, G Gee	Appellate (Practice & Procedure): NSW Court of Appeal concerning the maintenance of freezing orders in aid of prospective proceedings in the Federal Circuit and Family Court of Australia.
Synergy Scaffolding Services Pty Ltd v Alelaimat (2023) 326 IR 289; [2023] NSWCA 213	Led by D Priestley SC	Appellate (Personal Injury): NSW Court of Appeal concerning various issues, including <i>Limitation Act</i> s 50D and non-delegable duties of care.
Kolevski v Timber Creek Holdings Pty Ltd [2025] NSWSC 487; [2025] NSWSC 741	Led by A McInerney SC	Equity / Real Property: Supreme Court acting for defendant in property dispute involving oral agreements, part performance and estoppel.
Harriette & Co Pty Ltd v Platine Property Development Pty Ltd & Ors [2022] NSWSC 1536; [2022] NSWSC 1611	Led by M Condon SC, N Kabilafkas	Equity / Real Property: Supreme Court acting for the mortgagee enforcing a mortgage; issues arising including doctrine of penalties, unconscionable conduct; numerous interlocutory hearings.
Ursula Raad v The Cosmetic Institute Pty Ltd	Led by A McInerney SC	Class Actions: Supreme Court acting for nine medical practitioners in a medical negligence class action.
MST Financial Services Pty Ltd v Fluence Corporation Pty Ltd	Led by A Zahra SC	Contract: Supreme Court acting for a financial services provider against an ASX-listed entity for repudiation of a management and bookrunning contract.
Northern Inland Credit Union v Temenos Australia Operations Pty Ltd [2024] NSWSC 920	Led by B Katekar SC	Contract / Consumer: Supreme Court acting for plaintiff in proceedings alleging misleading and deceptive conduct in respect of a core banking software project.

**Brisbane Airport Corporation Pty Ltd v
Airservices Australia**

Led by L Kelly KC, S
Hooper KC

Contract / Tort: Supreme Court (Qld) acting (ongoing) for plaintiff in large commercial claim arising from PFAS contamination at Brisbane Airport.

**DKJ Investment Holdings Pty Ltd v
Reliable Conveyor Belt Holdings Pty Ltd**

Led by B Katekar SC

Corporations / Oppression: Federal Court acting for applicant in shareholder oppression suit.

City Star Group Pty Ltd v Qing Hu

Led by M Condon SC

Equity / Corporations / Employment: Federal Court acting for plaintiff employer alleging breach of copyright and fiduciary duty and associated interlocutory hearings (strike out, security for costs, subpoena set aside). **Appeared unled** in freezing order hearings and subpoena set aside dispute.

**South Seas Holdings Pty Ltd & Ors v
Commissioner of Taxation**

[2025] FCA 848

Led by Dr J Jacques KC,
C Ensor

Taxation: Federal Court acted for the Commissioner in Part IVC appeal concerning deductions for management fees, intercompany loans, deemed dividends, carry forward losses and penalties. Part IVA also in issue. **Cross examined** an expert witness.

**Kocic v Anor & Commissioner of
Taxation**

Led by C Peadon, S
Gaussen

Taxation: Federal Court acted for the Commissioner in Part IVC appeal concerning company / related party loans, Division 7A and penalties.

**Dervisevic & Anor v Commissioner of
Taxation**

Led by C Peadson, S
Gaussen

Taxation: Federal Court acted for the Commissioner in Part IVC appeal concerning company / related party loans, Division 7A and penalties.

**John Wild & Anor v Marthaguy Irrigation
Scheme**

Led by P Knowles SC

Tort: Acting for plaintiff commercial farmer in respect of various tortious claims arising from misuse of water rights under an irrigation scheme.

**Healthcare Complaints Commission v Dr
David Kirby**

[2024] NSWCATOD 83; [2025]
NSWCATOD 144

Led by J Sheller SC

Professional Disciplinary: NCAT (Occupational Division) acting for medical professional defending inappropriate prescribing allegations. Jurisdictional issues currently on appeal.

**Mukhles Ibrahim v Global Marble
Australia Pty Ltd**

Led by J Sheller SC

Personal Injury: Dust Diseases Tribunal acting for defendant employer in silicosis cases and as cross-claimant against workers compensation and business insurers.

Yunyun Yu v Richie Lin Ze Wang

Led by M Condon SC

Family Law (Property): Federal Circuit and Family Court acting for high-net-worth individuals in numerous interlocutory proceedings (freezing order, subpoena set aside) and contempt proceedings.

Gazal v Setiawan & Topaloglu [2024]
NSWSC 1008; [2024] NSWSC 1046

Led by M Condon SC

Contempt: Supreme Court acting for applicant in successful contempt proceedings for disclosure of mediation documents.
Tort: Supreme Court acting in interlocutory hearing concerning discovery and setting aside subpoenas. **Appeared unled** in subpoena set aside dispute.

Commercial arbitration re. international mining operator

Led by L Kelly KC, M Trim

Arbitration / Construction: Commercial arbitration before The Hon J Allsop AC acting for an international mining company suing for defective processing equipment (claims in tort, contract, Australian Consumer Law).**Competition law advice re. commercial towing / ports**

Led by D Roche SC

Competition: Advising a commercial tug-boat operator in relation to potential competition law proceedings and ACCC licensing proposals.**Corporations / joint venture advice re. Cayman Islands investment fund**

Led by L Kelly KC

Corporations / Insolvency: Advising an investor in a Cayman Islands investment fund in relation to remedies under the fund deed and claims against related parties (incl. insolvent trading, directors' duties, oppression).

AS A SOLICITOR

Vodafone Hutchison Australia Pty Limited v ACCC & TPG Telecom Ltd
[2020] FCA 117

Instructing R Higgins SC, D Roche, C Bannon, P Strickland

Competition: Acted for TPG Telecom Limited in proceedings seeking a declaration that a proposed merger with Vodafone Hutchison Australia Pty Limited would not have the effect, or likely effect, of substantially lessening competition.**OXC Bidco Pty Ltd v Dickson** [2016]
NSWSC 968

Instructing I Jackman SC, R Foreman

Contract / Consumer: 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.**Nanevski Developments Pty Ltd v Slaveski** [2022] NSWSC 1066

Instructing J Sexton SC, P Knowles

Partnership: Acted for the plaintiffs in relation to a property development dispute involving contested partnership and joint venture claims.**AWF Prop Co & Ors v Ararat Rural City Council & Valuer-General Victoria** [2020]
VSC 853

Instructing L Hannon KC

Taxation: 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

Instructing Dr J Smith

Environment / Planning: 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.

SOLICITOR EXPERIENCE

Herbert Smith Freehills Kramer | Solicitor (Dispute Resolution) | 2017 – 2020

- Solicitor in the Disputes team, acting in tax, regulatory and commercial matters.
- Corporate (Public M&A).

The Shopfront Youth Legal Centre | Seconded Solicitor | 2019 – 2020

- Daily advocacy in the Local and District Court, including final hearings, sentencing, appeals and bail applications.

Everingham Solomons | Solicitor (Dispute Resolution) | 2020 – 2022

- Managed a high-volume commercial litigation practice with carriage of files from initial advice through to final hearing.
- Focused on commercial, partnership, insolvency, and property disputes within a regional context, requiring a pragmatic approach to litigation strategy and client management.
- Appeared in various final and interlocutory hearings.

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Appellate	Class Actions	Insurance and reinsurance
Arbitration	Competition and Consumer	Mining Resources and Energy
Banking and Financial Services	Corporations and Securities	Real Property
Bankruptcy and Insolvency	Environment and Planning	

EQUITY

Appellate	Property	Trusts
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TAXATION AND REVENUE

Goods and Services Tax	Income Tax	Land Tax
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PUBLIC AND ADMINISTRATIVE LAW

Disciplinary Proceedings	Judicial Review and Admin Law	Public Law
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