



David McLure SC

NEW/CHAMBERS

Master of Laws (Australian National University), 2015
National Security Law Institute (University of Virginia), 2007
Bachelor of Laws (Queensland University of Technology), 1998

Telephone +61 2 9151 2029
Clerk's telephone +61 2 9151 2080
Email mclure@newchambers.com.au

Admitted to the legal profession 1998
Admitted as a barrister in NSW 2002
Appointment as Senior Counsel 2015
Also entitled to practise in All Australian jurisdictions (Commonwealth, State and Territory)

Principal areas of practice

Administrative law	Constitutional law
Banking and financial services	Criminal & disciplinary
Bankruptcy and insolvency	Insurance and reinsurance
Commercial law	Proceeds of crime
Competition	Taxation and revenue

Other professional experience

David is a reserve officer in the Australian Army and currently holds the rank of Colonel. He deployed to Afghanistan in 2008.

Awards or professional recognition

[*Chambers Global and Chambers Asia-Pacific*](#) 2015 – 2019
Best Lawyers in Australia 2015 – 2020

Additional information

David has been a member of Australian Olympic Committee selection appeals tribunals and has appeared in various sporting disciplinary hearings.

Selected cases

- *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 Pasmenco Cockle Creek Smelter Pty Ltd (Subject to Deed of Company Arrangement)* [\[2019\] NSWCA 53](#) – contract dispute in relation to development land
- *JB & Ors v Northern Territory of Australia* [\[2019\] NTCA 1](#); (2017) 317 FLR 324; [\[2017\] NTSC 22](#) – claims by former detainees at the Don Dale detention centre
- *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
- *Council of the NSW Bar Association v Luitingh* [\[2017\] NSWCATOD 41](#) – disciplinary proceedings against barrister
- *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
- *Paramount Lawyers Pty Ltd v Haffar (No 2)* [\[2016\] NSWSC 906](#) – third party costs order against solicitors
- *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).
- *Thompson v Chief of Navy* [\[2015\] ADFDAT 1](#) – appeal from general court martial; application to withdraw pleas of guilty.
- *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.
- *Aldous v State of New South Wales* [\[2014\] NSWCA 280](#) – amicus curiae in relation to appeal against order for summary judgment.
- *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.
- *Asuzu v Council of the New South Wales Bar Association* [\[2012\] NSWCA 406](#); [\[2012\] NSWADT 183](#); [\[2012\] NSWADT 104](#); [\[2011\] NSWADT 209](#) – counsel for the Bar Council in disciplinary proceedings against former barrister.
- *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.
- *Roads and Traffic Authority of New South Wales v Graincorp Operations Ltd* [\[2010\] NSWCA 317](#) – first RTA prosecution under ‘chain of responsibility’ provisions in the Road Transport (General) Act 2005 (NSW).
- *Cargill International SA v Peabody Australia Mining Ltd* [\[2010\] NSWSC 887](#); (2010) 78 NSWLR 533 – leave to appeal against arbitrator’s award. Construction of International Arbitration Act 1974 (Cth)
- ADF Commission of Inquiry into the death of Lance Corporal Edwards – counsel for the tactical commander of LCPL Edwards, who was accidentally shot and killed during a training activity in preparation for deployment to Afghanistan.
- *White v Director of Military Prosecutions* [\(2007\) 231 CLR 570](#) – constitutional validity of military judicial power.
- *Comandate Marine Corp v Pan Australia Shipping Pty Ltd* (2006) 157 FCR 45; [\[2006\] FCAFC 192](#) – international arbitration and anti-suit injunctions.
- *Elbe Shipping SA v Ship ‘Global Peace’* (2006) 154 FCR 439; [\[2006\] FCA 954](#) – constitutional and admiralty law – whether s 76(iii) of Constitution exhausted by Admiralty Act 1988 (Cth).
- ADF Commission of Inquiry into the loss of the Royal Australian Navy Sea King helicopter on Nias Island – counsel for the RAN Fleet Engineering Aviation Officer.
- *Hoffman v Chief of Army* (2004) 137 FCR 520; [\[2004\] FCAFC 148](#) – abuse of process in relation to disciplinary charges.