

# DAVID HARRIS

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## BARRISTER



### CONTACT DETAILS

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5 Wentworth Chambers, 180 Phillip Street, Sydney NSW 2000  
DX 384, Sydney

### AREAS OF PRACTICE

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- Administrative law
- Banking, securities and insolvency
- Class actions and representative proceedings
- Constitutional law
- Construction law
- Corporate and Commercial
- Equity

### ADMISSIONS

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**2015** Barrister, New South Wales

**2010** Solicitor, Supreme Court of New South Wales and High Court of Australia

### EDUCATION

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**2010** Graduate Diploma of Legal Practice, College of Law, Sydney

**2008** Bachelor of Arts with Bachelor of Laws, Macquarie University, Sydney  
Honours, class 1. Several awards and prizes in areas including legal research, constitutional and international law and mooted competitions.

### EXPERIENCE

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**From 2015** Barrister, 5 Wentworth Chambers

Significant cases include:

- Acting for a contractor in a large commercial arbitration concerning the construction of the Gorgon LNG project (instructed by Corrs Chambers Westgarth).
- *BrisConnections Finance Pty Ltd (receivers and managers appointed) & Ors v Arup Pty Ltd*. Acting for Thiess and John Holland (led by John Sheahan QC and Hugh Stowe, instructed by MinterEllison) in Federal Court proceedings involving contractual and misleading and deceptive conduct claims about traffic forecasts for the Brisbane M7 Airport Link project.
- Acting for Bupa (led by Cynthia Cochrane, briefed directly) in Federal Court unjust enrichment and misleading and deceptive conduct proceedings against an ophthalmologist.
- Acted for Adbri Masonry Pty Ltd (led by Cynthia Cochrane, instructed by MinterEllison) in successfully setting aside several subpoenas issued in NSW Supreme Court Commercial List proceedings between the Commonwealth Bank of Australia and Iyad Rafidi.

**DAVID HARRIS**  
CURRICULUM VITAE

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- *NB Investment Group Pty Ltd v Edutyfree Australia Pty Ltd & Ors*. Acted for a defendant in a \$1 million equity and contract dispute in the NSW Supreme Court which settled following an application to strike out the statement of claim (unled, instructed by Loyal One Solicitors).
- *Voyer v CIMIC Group Ltd* (NSW Supreme Court proceeding, settled prior to hearing). Defended CIMIC (led by Ross Foreman, instructed by Herbert Smith Freehills) in a contract dispute concerning employment entitlements.
- Acting for Bupa (briefed directly, both unled and led) in a range of contractual disputes and debt recovery proceedings in the NSW Supreme Court and Federal Court.
- Acted for Tropfest Australia Pty Ltd (instructed by Simpsons Solicitors) in enforcement proceedings to recover sponsorship fees that were lost as a result of the cancellation of the Tropfest short film festival.
- *Bandara v Director of Public Prosecutions* [2016] NSWCA 140. Appeared as amicus (led by Michael Heath) in judicial review, administrative law proceedings in the Court of Appeal.
- *Charles Stuart Motel Pty Ltd (in liquidation) & Ors v Suchand Pty Ltd*. Acted for defendants (led by Hugh Stowe, instructed by FWO Solicitors) in expedited NSW Supreme Court proceedings commenced by the liquidators and the financier of a motel business concerning fiduciary duties and misleading and deceptive conduct. Settled prior to hearing.
- *Brown v Childs Property Inspections Pty Ltd* (2016, NSW District Court, unreported). Successfully defended negligence and breach of contract claims relating to a pre-purchase property inspection (led by James Gibson, instructed by Moray & Agnew Lawyers).
- *Gutierrez v Packham* (2016, NSW District Court, unreported). Obtained judgment relating to repayment of a loan given under an oral contract (unled, instructed by Tibby Morgenstern).
- *Vertikote v Corcorans NSW Pty Ltd & Anor* (2016, NSW Local Court, unreported). Acted for plaintiff in successful debt recovery proceedings involving a contractual dispute and allegations of construction defects (unled, instructed by Greenmonts Legal Pty Ltd).
- *Sproule v Sproule* (2015 NSW Supreme Court proceeding, settled mid hearing). Led by Andrew Bulley in family dispute concerning complex issues of equity and trusts.

**2007 – 2015** Allens, Senior Associate (from January 2014) (Corporate Insolvency & Restructuring, Commercial Litigation & Dispute Resolution and Projects practice groups)

Significant cases whilst a solicitor included:

- a continuous disclosure shareholder class action (defending Leighton Holdings);
- an ASIC regulatory claim and an associated class action in the Federal Court arising from the collapse of Storm Financial (defending Macquarie Bank);
- a lengthy NSW Supreme Court dispute involving alleged defects and delays in the construction of the Westpoint Shopping Centre (acting for QIC); and
- various court proceedings involving the insolvency of the David James group of companies and the Great Southern and Willmott Forests managed investment schemes.