

# DAVID HARRIS

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## BARRISTER



### CONTACT DETAILS

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5 Wentworth Chambers, 180 Phillip Street, Sydney NSW 2000  
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### AREAS OF PRACTICE

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- Administrative law
- Banking, securities and insolvency
- Class actions and representative proceedings
- Commercial litigation
- Constitutional law
- Construction law
- Corporate
- Equity
- Regulatory
- Trade practices
- Trusts

### 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 recent cases include:

- *Australian Competition and Consumer Commission v Kimberly-Clark Australia Pty Ltd* (2018 – judgment reserved). Acted for Respondent in Federal Court proceedings defending misleading and deceptive conduct allegations concerning flushable wet-wipes. (Led by John Sheahan QC and Jonathon Redwood, instructed by King & Wood Mallesons.)
- *Bupa HI Pty Ltd v Chang* (2018 – judgment reserved) Acted for Bupa in Federal Court proceedings concerning interpretation and application of MBS item numbers, involving allegations of unjust enrichment and misleading and deceptive conduct and the defence of a breach of contract cross-claim. (Led by Cynthia Cochrane, briefed directly.)

Liability limited by a scheme approved under Professional Standards Legislation

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**CURRICULUM VITAE**

- *Re Rockgedgiel Pastoral Co Pty Ltd* (NSW Supreme Court, Corporations List proceedings, settled prior to hearing). Acted for defendant in oppression proceedings involving a complex family dispute, multiple cross-claims and allegations of breach of trust. (Led by David Pritchard SC, instructed by Pigott Stinson Lawyers.)
- Acted for a construction company in a large commercial arbitration concerning the Gorgon LNG project. (Instructed by Corrs Chambers Westgarth, led by Jeffery Gleeson QC and Kathryn Stynes.)
- *Dental Corporation Pty Ltd v Lee & Anor* [2016] NSWSC 1859. Acted for plaintiff in Commercial List trial to enforce a contractual restraint of trade. (Led by Cynthia Cochrane, instructed by MinterEllison.)
- *BrisConnections Finance Pty Ltd (receivers and managers appointed) & Ors v Arup Pty Ltd*. Acted 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.
- 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.
- *NB Investment Group Pty Ltd v Edutefree 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.
- 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).

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