

# David Alexander Cochrane Robertson

Barrister-at-law, Nigel Bowen Chambers

## Admissions and Career Overview

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Admitted as a Barrister of the Supreme Court of New South Wales on 8 February 1991

Admitted as a solicitor on 19 December 1986

1991-present – Barrister, Nigel Bowen Chambers

2015- present – Part time Senior Member, NSW Civil and Administrative Tribunal

2004 - Junior Counsel assisting the Commission of Inquiry into the Centenary House Lease

1988 -1991 Solicitor, Mallesons Stephen Jaques, Commercial Litigation Section

1989 -1991 University of New South Wales, part-time Lecturer in Federal Constitutional Law

1989 -1990 NSW Anti-Discrimination Board, Legal Officer

1987 - 1988 Associate to Justice Deane, High Court of Australia,

1986 (February-July) Stephen Jaques Stone James, Clerk in Litigation Section

1983 (March-September) University of Adelaide, Tutor in Constitutional Law I, Constitutional Law II and Administrative Law

## Tertiary Qualifications and Awards

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1983-1985 Oxford University  
(Magdalen College)

Bachelor of Civil Law

1977-1982 University of Adelaide

Bachelor of Economics  
Bachelor of Laws (Honours, First Class)

General:

Rhodes Scholarship

Oxford University:

Rupert Cross Prize (Evidence)

University of Adelaide:

R W Bennett Scholar  
Stow Scholar  
David Murray Scholarship  
Law Society Centenary Prize  
Angas Parsons Prize

## Practice and Notable Cases

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David practises in all areas of commercial law with a particular focus on banking, insolvency and building and construction. He also has expertise in copyright, company shareholder disputes and directors duties. David has appeared in Courts and tribunals at all levels, both in NSW and Interstate, including numerous mediations and arbitrations.

## **Banking and Insolvency**

- *Clapham v Commonwealth Bank* [2013] FCAFC 84 – Appeal against sequestration order
- *AssetInsure v New Cap Reinsurance* (2006) 225 CLR 331; (2004) 61 NSWLR 451; (2003) 47 ACLR 306 – Reinsurance s562A Corporations Act, s116 (3) Insurance Act
- *Highland v Exception Holdings* (2006) 60 ACSR 223
- *Exception Holdings v Exception Finance* [2005] NSWSC 690
- *Exception Holdings v Albarron* (2005) 223 ALR 487
- *Standard Chartered Bank v Antico* (1995) 38 NSWLR 290

## **Building and Construction**

- *Tsu v Nemeth* [2012] NSWCA 29
- *Chase Oyster Bar v Hamo Industries* (2010) 78 NSWLR 393 – Building and Construction Industry Security of Payment Act, Jurisdictional Error
- *Lym International v Marcolongo* [2010] NSWCA 303; (2011) 15 BPR 20,465
- *Brewarrina Shire Council v Beckhaus Civil* [2006] NSWCA 361; [2005] NSWCA 248; [2004] NSWSC 840; [2004] NSWSC 1160
- *Multiplex v Luikens* [2003] NSWSC 1140
- *Musico v Davenport* [2003] NSWSC 977

## **Professional Negligence**

- *Southern Equities v Arthur Anderson* (2002)
- *AWA v Daniels* (1992) 7 ACSR 759
- *Adelaide Steamship v Spalvins* (1997-1999)

## **Trade Practices**

- *Tonnex International v Dynamic Supplies* (2014) 107 IPR 548 [damages] (2012) 99 IPR 31 [appeal]; (2011) 91 IPR 488 [trial] Copyright in compilations, misleading and deceptive conduct, tax law
- *JM & PM Holdings v Snap-on Tools (Australia)* [2015] NSWCA 34 - Franchise dispute

## Other General Commercial

- *Peregrine Mineral Sands v Wentworth Shire Council* [2014] NSWCA 429 – Successfully representing the council at both trial and appeal. **Local Government Act** - Whether council able to contract to restrict its power to levy rates
- *Re: Treadtel International* [2014] NSWSC 1406 – **Private International Law**, Application for stay, security for costs. - sole director of company sought order that proceedings be stayed until plaintiff discontinued or terminated proceedings instituted by him in Italy.
- *McCausland v Surfing Hardware* [2013] NSWSC 902 **Contract, Employment and Corporate**
- *Broadcast Australia v Noonan* (2011) 255 FLR 294; (2011) 188 LGERA 1 **Property, rights of way, National Transmission Network Sale Act**
- *Hill v Forrester* (2010) 79 NSWLR 470 – **Interpretation of s15(3) Civil Procedure Act**
- *Jerrick v Greyhound and Harness Racing Regulatory Authority* [2008] NSWSC 203 **Sports and Regulatory**
- *County Securities v Challenger Group Holdings* [2008] NSWCA 193 – **Contract**
- *Hillig v Darkinjung* (2006) 57 ACSR 733 – **Trusts and Corporate**
- *Wonson v Greyhound and Harness Racing Regulatory Authority* [2005] NSWSC 584 **Sports and Regulatory**
- *Commonwealth of Australia v Human Rights and Equal Opportunity Commission* [1997] 147 ALR 469. **Discrimination Law**