



Professional Profile

David H Denton, RFD QC is a Queen's Counsel at the Australian Bar and the Singapore International Commercial Court. He practises as a barrister in the High Court of Australia and the trial and appellate divisions of the Federal Court of Australia; the Family Court; the Supreme Courts in Victoria, New South Wales, Queensland and Tasmania; the Planning & Environment Court of Queensland and the Victorian Civil & Administrative Tribunal.

Over recent years he has been retained to appear in both the High Court and the Court of Appeal in the Fiji Islands and for commercial clients involved in property disputes in the Family Court of Australia.

He is one of the few Australian Queen's Counsel admitted to practice as an accredited foreign lawyer with rights of appearance in the **Singapore International Commercial Court**.

He has acted as Chairman of the Conflicts Committee and a Member of the Advisory Board of (now called) Law Finance Limited. The company is a listed public company that was engaged in litigation funding in Australia and New Zealand and in a co-venture with Longford Capital LLC of Chicago, USA in respect of matters in the USA.

He has long held a keen interest in class actions, commercial arbitration and in all aspects of company law, especially insolvency and shareholder disputes; environmental torts concentrating on defence work and planning matters. He has been regularly retained for leading Australian banks and financial institutions and otherwise appeared in several notable insolvency administrations following significant corporate collapses, including: Duke Group, Tricontinental Corporation, Pyramid Building Society, Primelife, Opes Prime, Willmott Forests and the Westpoint Group.

His early practice at the Bar was one heavily involved in the practice of criminal law, courts-martial and criminal jury trials in particular. This early grounding has shaped his litigation practice in commercial law.

His principal practice areas are in:

- Commercial, Equity & Trade Practices Law
- Corporations, Insolvency & Securities Law

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MACROSSAN CHAMBERS
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Level 15, 95 North Quay Brisbane QLD 4000

- Banking, Finance & Property Law
- Trusts & Family Law
- Commercial Arbitration & Mediation
- Administrative & Constitutional Law
- Planning & Environment Law

He is a member of chambers:-

- in Melbourne and Cairns at **Macrossan Chambers**; and
- in Brisbane at **Sir Harry Gibbs Chambers**.

Qualifications

Education

- **Xavier College, Kew**
- **Royal Military College, Duntroon**
- **Monash University, Victoria** - B.A. (1977); LL.B. (1979); LL.M. (1994)
- **University of Western Australia** – PhD (constitutional law - expecting 2020)

Admission to Practice

- High Court of Australia 1981
- Supreme Court of Victoria 1981
- Supreme Court of New South Wales 1985
- Supreme Court of Queensland 1991
- Supreme Court of South Australia 1991
- Superior Courts of Fiji (*pro tem*) 2008
- Singapore International Commercial Court 2016

Barrister

- Roll of Counsel - **Victorian Bar** - signed 1987
- Appointed a **Queen's Counsel (Senior Counsel)** for the State of Victoria – 2001
- President, **Commercial Bar Association**: 2001-2005

Arbitrator

- Fellow of the **Australian Institute for Commercial Arbitration (FAICA)** – 2004
- Certified Arbitrator - Australian Institute for Commercial Arbitration – 2004
- President of the Australian Institute for Commercial Arbitration: 2004 – 2011

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Mediator

- National Accreditation as a Mediator – 2008

Academic

- Adjunct Professor - Professorial Associate, Sir Zelman Cowen Centre, Victoria Law School, **College of Law and Justice, Victoria University, Melbourne** – since 2005
- Course Director, Graduate Diploma in Commercial Arbitration, Sir Zelman Cowen Centre, Victoria Law School, College of Law and Justice, Victoria University, Melbourne – since 2004

Practice Profile

Commercial, Equity & Trade Practices Law

These cases cover every instance of commercial disputation arising out of trade and commerce from contractual disputes to passing off applications to protection of intellectual property rights.

Corporations, Insolvency & Securities Law

He maintains a strong interest in Securities, Corporate Governance and Insolvency Law issues and has appeared in many cases under the Corporations Law/Act and especially so in the Corporate Insolvency area which have provided significant case development in cases under Part 5.3A Corporations Act in respect of administrations and insolvencies.

Banking, Finance & Property Law

These cases involve the application of securities and suretyship law with emphasis on banking documentation covering debentures, mortgages, charges, cross-deeds of covenant, guarantees and indemnities. The corresponding rights of parties to rely upon equitable and statutory defences principally trade practices law and unconscionable conduct are closely examined. All aspects of land law covered including compensation due to compulsory acquisition.

Trusts & Family Law

This practice area has involved the consideration and application of family law principally in the corporate and trusts areas of property dispositions under the *Family Law Act 1975* and in the Family Court's accrued jurisdiction.

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Commercial Arbitration & Mediation

He has developed a significant practice in commercial arbitration and mediations over 20 years, both in Australia and overseas. Arbitrations have involved consideration of private international law; advice on international treaties concerning International Sale of Goods, International Air Law, UNCITRAL Model Law on International Commercial Arbitration. In Australia, arbitrations have also involved large contractual construction disputes and commercial tenancy arbitrations, flowing through to arbitral awards.

Administrative & Constitutional Law

This practice area has involved the consideration and application of constitutional law (state and federal) and the operation of human rights legislation. These matters have been pursued in opinions and in High Court and Appellate courts. This area of practice has involved consideration of the application of constitutional conventions and administrative law principles to high level government decision-making and policy development.

Planning & Environment Law

Additionally, he has developed a specialist practice in Queensland in Planning & Environment Law matters and in Victoria in VCAT. He maintains an active interest in defence work involving environmental offences. This practice has also involved matters and appeals under the *Sustainable Planning Act 2009* (Qld); *Integrated Planning Act 1997* (Qld); environmental prosecutions under the *Local Government Act 1990* and Local Laws; and the Cairns Regional Council, Eacham Shire Council and Johnstone Shire Council Planning Schemes in Far North Queensland and in South East Queensland before the Planning & Environment Court (Queensland).

Publications & Seminars in Law

- ***The Australian Military Justice System: History, Organisation and Disciplinary Structure*** (2016) 6(1) VULJ 26
- ***Commercial Arbitration - Does It Really Have A Future?*** (2014) 4 VULJ 117
- ***Occasional Address - Conferring of Degrees Ceremony - Victoria University Melbourne - Law & Justice*** (2016) LinkedIn Posting On-Line ("LIP")
- ***The 20 Most Notable Australian High Court Cases since 1981*** (2016) LIP
- ***OK, so you are entitled to damages for breach of contract. You have mitigated your loss. Do you still lose out to the defaulting party?*** (2015) LIP
- ***Litigation Funding - Established Players v New Idea: Crowd Funding?*** (2015) LIP

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- **Whose standard terms and conditions of contract trump the other as between a buyer and a seller?** (2015) LIP
- **Magna Carta: in reality - too much myth but wonderful history** (2015) LIP
- **Death Sentences and the 21st Century - Think** (2015) LIP
- **Commercial Arbitration – Does It Really Have A Future?** (2014) 4 VULJ 117
- **Proportionate Liability – Where to from here?** - (2014 Leo Cussen Centre for Law - "LCC")
- **Civil Procedure - Case & Statute Law Update** – 2014 LCC
- **Directors' Duties – Some Observations – USA – UK – Australia** (2012 Law Institute of Victoria – "LIV")
- *Hard Lessons in a Tumultuous Year - Centro and James Hardie - What Next?* (2012 Institute of Chartered Accountants in Australia)
- **Understanding the Proportionate Liability Regime** (2011 Legalwise Seminars "LS")
- **Liquidated Damages and Penalties - Ensuring Enforceability** (2010 LexisNexis)
- *The Civil Procedure Act Reforms – Ready for the Changes?* (2010 LCC)
- **Misconduct of Insolvency Practitioners** (2009 Insolvency Practitioners Association)
- *The Accountability of 'Corporate Undertakers' for their Misconduct in Office* (2009 LS)
- *Litigation Intensive - A Practical Session On Preparing for and Conducting a Commercial Trial* (2007 LCC)
- *Re Wakim – Cross-Vesting - Quo Vadis?* (1999 LIV)
- *Voluntary Administration - Framework and Principles* (1995 LCC)
- *Issues and Decisions for Lenders Arising from Company Administration* (1994 LCC)
- *External Administration - Receivers and Managers* (1994 LCC)
- *Liquidation of Corporations* (1993 LCC)
- *Liquidation of Companies* (1988 and 1989 revised, LCC)
- *Winding Up Law and Procedure under the Companies Code* (1983 and 1984 LCC revised)
- *Australian Corporation Law, Principles and Practice*, Butterworths, (contributor)
- *Australian Corporations and Securities Reports*, Butterworths (law reporter)
- *Australian Company Law Reports*, Butterworths (law reporter)

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Professional Positions

Commercial Bar Association

- President of the **Commercial Bar Association – Melbourne** (CommBar) (2001 – 2005)
- Senior Vice President of CommBar (1999 – 2001)
- Chairman of the Corporations and Securities Law Section of CommBar (1998 – 2005)
- Deputy Chair Corporations and Securities Law Section of CommBar (2005 – 2010)
- Vice President (Convenor) of CommBar (1994 – 1998)

The Bar

- **Victorian Bar Representative, Programs Advisory Committee, Victoria Law School, College of Law & Justice, Victoria University Melbourne** (2004 – present)
- Member of the Supreme Court of Victoria Corporations & Commercial Court Users' Group (2010 – 2014)
- Member of the Supreme Court of Victoria Commercial List Users' Group (2003 – 2010)
- Member Independent Chambers Committee (2008 – 2011)
- Member Continuing Legal Education Committee (2001 – 2007)
- Member Aboriginal Law Student Mentoring Support Group (2000 – 2001)
- Member Litigation Procedure Review Committee for Commercial Law (1999 – 2001)
- Member Legal Education Committee (1998 – 2000)
- Member Academic and Continuing Legal Education Committee (1995 – 1997)
- Founding Director, List Committee Member and Member Of List A Barristers (1990 – 2010)
- Member Bar Library Committee (1987 – 1989)
- Member Victorian Bar (1982 – 1985; 1987 - present)
- Mentor to the following Barristers:
(*Victorian Bar*) Joanne Piggott, Peter G Lovell, Margaret Lodge, Alan Herskope, David L Bailey, Richard W Short; (*now Queensland Bar*) Picha Djohan

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Academic

- Adjunct Professor - Professorial Associate, Sir Zelman Cowen Centre - **Victoria Law School, College of Law and Justice, Victoria University, Melbourne** – since 2005
- Convenor, Adjunct Professoriate, College of Law & Justice, Victoria University – since 2014
- Inaugural Fellow in Residence, Victoria Law School, Victoria University, Melbourne – since 2012
- Editorial Advisory Board, **Victoria University Law & Justice Journal** – since 2011
- Course Director, Graduate Diploma in Commercial Arbitration, Sir Zelman Cowen Centre, Victoria Law School, College of Law and Justice, Victoria University, Melbourne – since 2004
- Chair of the Faculty of Business & Law Review Committee into the Sir Zelman Cowen Centre, Victoria Law School 2009 – 2010
- Victorian Bar Council Representative, Programs Advisory Committee, Victoria Law School, College of Law and Justice, Victoria University, Melbourne – since 2004
- Advisory member of Head of Law School's Building and Accommodation Committee for the Victoria Law School – since 2008
- Occasional Lecturer, The Law of Commercial Arbitration, and International Commercial Arbitration, Victoria Law School, College of Law and Justice – since 2005
- Moot Master, Victoria Law School Mooting Competition 2005 - 2011
- Advisory member *pro tem* to Provost, Sir Zelman Cowen Centre, Victoria Law School, Professor the Hon J H Phillips AC QC, 2004 – 2008

Australian Institute for Commercial Arbitration, Inc.

- President of the **Australian Institute for Commercial Arbitration** (2004 – 2011)
- Councillor (2011 – present)

Other Appointments

- Chairman, **Law Hawks, Legal Coterie, Hawthorn Football Club** (2007 – 2011)
- Head of Chambers, Chancery Chambers, Melbourne (1997 – 1999, 2003 – 2005, 2006 – 2008)
- *Rapporteur* and member of the Papers Committee, **13th Commonwealth Law Conference, Melbourne** (2002-2003)

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- Committee member of the Executive of the **Commercial Law Association of Australia Limited** (1995-1998)
- Honorary Secretary of the **International Commission of Jurists (Australian Section) in Victoria** and a member of its Executive Committee (1995 – 1996)
- Fellow of the **Australian Institute of Company Directors (FAICD)** (1992)
- Corporate Lawyer (1986 - 1987)
- Official Observer, **Australian Constitutional Convention, Brisbane (1985)**
- President, Senior Common Room, **Newman College, University of Melbourne** (1984 – 1985)
- Senior Resident Tutor in Law, Newman College, University of Melbourne (1982 – 1985)
- Commissioned Officer: **Australian Army Legal Corps (Reserve)**. Decorated with the **Reserve Force Decoration (RFD)** (1979 – 2002)

Bar Association Memberships

- **Victorian Bar** - since 1982
- **New South Wales Bar Association** - since 1985
- **Bar Association of Queensland** - since 2005
- **Tasmanian Bar** - since 2010

Association Memberships

- **Australian Reconstructing Insolvency & Turnaround Association (ARITA)**
- **Commercial Bar Association – Melbourne**
- **Australian Institute for Commercial Arbitration (FAICA)**
- **Australian Institute of Company Directors (FAICD)**

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