

David Foster



David practises primarily in commercial, regulatory and public law.

QUALIFICATIONS

Master of Laws (First Class Honours) **P** 03 9225 8558
(Cambridge)

Bachelor of Laws (First Class
Honours) (Melbourne)

Bachelor of Arts (Melbourne)

CORRESPONDENCE

F 03 9225 8668

E dwfoster@vicbar.com.au

CHAMBERS

Owen Dixon Chambers West
Level 11 Room 28
525 Lonsdale Street
Melbourne VIC 3000

COMMERCIAL LAW

Appellate | Class Actions | Competition | Consumer Law | Contractual Disputes | Corporate Insolvency |
Corporations & Securities | Equity & Trusts | Taxation

PUBLIC LAW

Administrative Law | Appellate | Civil & Human Rights | Commissions & Inquiries | Constitutional Law |
Immigration | Judicial Review | Taxation

Before coming to the Bar, David was an associate to the Hon Justice Hayne AC and senior associate to the Hon Justice Gordon AC at the High Court of Australia. He also worked as a solicitor at King & Wood Mallesons, where he gained experience in commercial and tax disputes.

David holds a Bachelor of Arts and Bachelor of Laws with First Class Honours from the University of Melbourne. He was an Editor of the Melbourne University Law Review. He also holds a Master of Laws with First Class Honours from the University of Cambridge, where he studied as a Supreme Court of Victoria – Trinity Hall Scholar.

David read with Carl Möller SC and his senior mentor was Claire Harris KC.

Liability limited by a scheme approved under Professional Standards legislation

Recent Cases

Acting for a class of unitholders opposing an application for leave to appeal decisions concerning the priority of amounts payable to various unitholders under trust documents, with Carl Möller SC: heard by the Court of Appeal of the Supreme Court of Victoria in June 2024, judgment reserved

Acting for the second and third respondents in successfully resisting the grant of special leave to appeal the decision in *MAPA Pearls Pty Ltd v Haliotis Fisheries Pty Ltd* [2023] VSCA 108, concerning the scope of public law remedies and Torrens title, led by Peter Willis SC: [2023] HCATrans 172

Acting for ASIC in Federal Court proceedings against Westpac alleging insider trading, unconscionable conduct and failure to comply with AFSL obligations, led by Philip Crutchfield KC, with Caryn van Proctor, Christopher Tran and Julie Granger (resolved prior to hearing)

Acting for the ACCC in its merger dispute with Vodafone and TPG: *Vodafone Hutchison Australia Pty Ltd v ACCC* [2020] FCA 117, led by Michael Hodge KC and Catherine Button KC, with Nicholas De Young, Thomas Prince and Sarah Zeleznikow

Acting for the appellant in a successful appeal from an order dismissing a proceeding as an abuse of process, led by Craig Dowling SC: *Lunt v Victoria International Container Terminal* [2020] FCAFC 40

Acting for the appellant in a successful appeal from an order dismissing a proceeding as an abuse of process, led by Craig Dowling SC: *Lunt v Victoria International Container Terminal Ltd* [2020] FCAFC 40

Acting for the Attorney-General for Victoria intervening in relation to a s 109 constitutional issue in a commercial dispute, led by the Solicitor-General, Kristen Walker KC (resolved prior to hearing)

Acting for the applicants in proceedings alleging misleading and deceptive conduct in the acquisition of a private company, led by Nicholas De Young KC (resolved prior to hearing)

Acting for a defendant in litigation about a managed investment scheme involving claims of misleading and deceptive conduct and breaches of duty, led by Carl Möller SC (resolved prior to hearing)

Acting for the plaintiffs in a Corporations Act 2001 (Cth) oppression claim, led by Adrian Muller (resolved prior to hearing)

Advising, with the Solicitor-General, Rowena Orr KC, and Graeme Hill SC, various State government departments on the operation of the *Forests Act 1958* (Vic) and related legislation

Advising, with Jason Pizer SC, on the operation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2010*

(Vic)

Advising, with Rowena Orr KC, on the operation of a suite of contracts in the context of ongoing commercial negotiations between ASX-listed companies

Advising, with Elizabeth Bennett SC, a State government department about the operation of various contracts

Advising, with Stewart Maiden KC, an ASX 200 company on the implications of a decision about the ASX listing rules

Memberships

Australian Association of Constitutional Law

Commercial Bar Association

Migration Law Bar Association