

David Foster



David practises primarily in commercial 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

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CHAMBERS

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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

David practises primarily in commercial, regulatory and public law. Before coming to the Bar, David was an associate to the Hon Justice Hayne AC and senior associate to the Hon Justice Gordon 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 and his senior mentor is Claire Harris KC.

Liability limited by a scheme approved under Professional Standards legislation

Recent Cases

Acting for ASIC in ongoing 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

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 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 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 a defendant in litigation about a managed investment scheme involving claims of misleading and deceptive conduct and breaches of duty, led by Carl Möller (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 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, 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

Assisting with the preparation of evidence in the Royal Commission Into Victoria's Mental Health System, with Claire Harris KC and Phoebe Knowles

Memberships

Australian Association of Constitutional Law

Commercial Bar Association

Migration Law Bar Association