

# David Currie

## Barrister-at-Law

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## ADMISSIONS:

2002	Legal Practitioner of the High Court of Australia
2002	Legal Practitioner of the Federal Court of Australia
2002	Legal Practitioner of the Supreme Court of NSW
2009	NSW Bar

## PRACTICE AREAS:

I appear in various jurisdictions and practise in a variety of commercial matters such as equity, corporations law (including statutory demands, directors and shareholder disputes), competition & consumer law, bankruptcy, wills and probate (including succession and family provision claims), property & trusts and building and construction law.

I will accept direct briefs from in-house counsel.

## EXPERIENCE:

I have 14 years' experience (combined as a solicitor and barrister) in commercial matters where I have advised and appeared in various jurisdictions such as the Federal Court and Federal Magistrates Court, the NSW Court of Appeal, NSW Supreme Court, NSW District Court, NSW Local Court and NSW Industrial Relations Commission, Administrative Appeal Tribunal (AAT) and Consumer, Trader and Tenancy Tribunal (now NCAT).

I am regularly asked to advise and appear in Court and mediations with respect to contractual disputes and debt recovery matters that fall within the jurisdictions of the Local, District and Supreme Courts of NSW.

I have appeared regularly in the Federal Court in company wind ups and the Federal Magistrates Court concerning bankruptcy matters and setting aside bankruptcy notices.

## CASES:

- In The Matter of Jodegan Pty Limited [2016] NSWSC 1090 (Setting aside a Statutory Demand; genuine dispute).
- Oliver v Oliver-Estate of Oliver [2016] NSWSC (Family Provision)
- Owners - Strata Plan 11011 v Integrated Project Services Pty Ltd [2015] NSWSC 553 (Injunction; Land; Right of Support to plaintiff's land and building).
- The Owners, Strata Plan 11011 v Integrated Project Services Pty Ltd (No.2) [2015] NSWSC 554 (Injunction; Land; Right of Support to plaintiff's land and building).
- Kofoo Sussex Pty Ltd v Commerce Building Pty Ltd [2014] NSWSC 1079. (Relief against Forfeiture).
- Ashrafinia v Ashrafinia and Ors [2013] NSWSC 1442 (Trusts; Family Trust; Breaches of Trust).
- Amir Ashrafinia v Mohammad Reza Ashrafinia; Parvaneh Karami Fakhrabadi v Mohammad Reza Ashrafinia [2013] NSWSC 1820 (Variation of Orders).
- Horton v Palerang Council [2013] NSWLEC 102 (LEC; Summary Dismissal).
- Horton v Palerang Council [2013] NSWLEC 200 (LEC – Summary Dismissal).
- Brown v Ds and Mj Batten T/As Pane In the Glass [2012] FMCA 296 (unfair Dismissal; Federal Magistrates Court).
- In the Matter of Pro Carwash Pty Ltd [2012] NSWSC 1289 (Statutory Demand and setting aside)
- Commonwealth Bank of Australia v Horvat (also known as Palasty) [2012] NSWSC 243 (writ of possession)
- De Meyrick v Dimitriou [2011] NSWSC 1291 (Caveat; Interim and Final Relief).
- Supercar International holdings Ltd and Others v Timothy Sommers and Another - (2011) 84 ACSR 466 (Directors Duties; Oppressive Conduct; Winding up).
- Re Stefania [2011] NSWSC 1603 (Appeal from the Guardianship Tribunal).
- Pogorzelska v Kazas-Rogaris [2010] NSWSC 1436 (Contempt; Removal of Executrix/Trustee).
- Isabel Nohra v Target Australia Pty Limited [2010] FWA 6857 (Unfair Dismissal).
- Tamicka Dover-Ray v Real Insurance Pty Ltd [2010] FWAFB 2670 (Fair Work Australia Full Bench Appeal).
- La Trobe Asset Management Australia Pty Ltd v Hajar and Ors [2009] NSWSC 1413 (review of Registrar's decision; summary dismissal)
- Cockatoo Ridge Wines Ltd v Naked Wines Direct Pty Ltd [2006] NSWSC 1074 (Costs; Wind up).

**April 2002 – January 2003: Lawyer with Dilanchian Lawyers & Consultants:**

Attending to commercial law matters with an emphasis on commercial law, litigation, dispute resolution and intellectual property.

Transactional experience in:

- Commercial litigation advice and matters in the Supreme, District and Local Courts;
- Intellectual property dispute resolution - drafting and assessing letters of demand and undertaking deeds;
- Resolving domain name and trade mark disputes;
- Drafting human resources contracts including contractor and employee contracts;
- Drafting trade mark applications for registration with IP Australia;
- Assessing trade mark registration proposals against availability search results;
- Sale of goods advice for a book publisher with legal issues under a purchase order;
- Corporations law - business structuring - advising regarding establishment of private companies; and
- Assisting a manufacturing company resolve an industrial lease dispute.

Assisted firm to prepare proposals and document its management policies for time recording and billing options.

**July 2001 - March 2002 (Part-time): Para-legal, Dilanchian Lawyers & Consultants:**

- Privacy law advice and compliance including drafting privacy statements;
- Advising regarding the tax consequences of proposed new ventures for a charity;
- Providing intellectual property advice for an SMS marketing venture; and
- Preparing documentation for purchase of a magazine business.

**November 2000 - June 2001 (Part-time): Australian Stock Exchange:**

Experience gained in the Office of Legal Services in connection with contracts, debt recovery, subpoenas, legal research and document management.

**June 1988 - June 2001: Senior Constable, NSW Police Service:**

Responsibilities in intelligence gathering, investigations and crime scene analysis, in particular, fingerprint evidence. Matters dealt with included many Local Court appearances. Promoted in November 1996 from the rank of Constable to Senior Constable.

**PUBLICATIONS:**

- Setting aside a Statutory Demand; Broadcast on Benchmark; <https://benchtv.com.au/cletv/setting-aside-a-statutory-demand-genuine-disputes/>
- Privacy - Good for business (article).
- How to kick the email abuse habit (article).
- Branded Earnings (article).

**ACADEMIC & PROFESSIONAL QUALIFICATIONS:**

- Diploma in Law (Legal Practitioners Admission Board) University of Sydney 2001; and
- Graduate Diploma in Legal Practice (College of Law, Sydney), 2002.

## **MEMBERSHIPS/COMMITTEES/ACKNOWLEDGEMENTS:**

- NSW Bar Association;
- Commercial law Association of Australia;
- Australian Succession lawyers;
- Director of 4 Selborne Pty Limited; and
- 2015 Doyle's Listing of recommended Junior Counsel (leading Sydney Wills & Estate Barristers).

## **SPORTING ACTIVITIES:**

I am an extremely keen sportsman enjoying most sports, however, my regular and preferred sporting activity is surfing (every weekend). When time permits, I very much enjoy golf, squash, tennis, kayaking and of course, watching any sport such as football (soccer), rugby, cricket and league.