

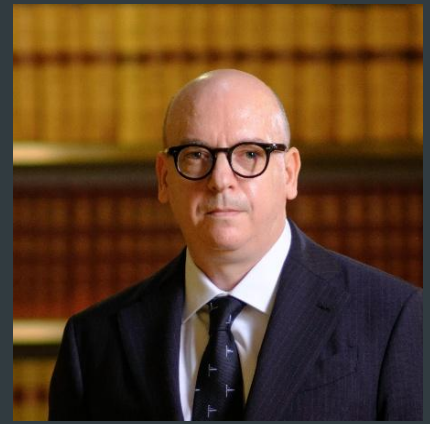
David Turner

Year of call: 2012

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GERARD BRENNAN
CHAMBERS

Overview

David's practice encompasses a broad range of commercial law, in litigation, arbitration, and advisory work. He has extensive experience in banking and finance, corporations and insolvency, and energy, resources and infrastructure matters.

Before coming to the Bar, David was a Senior Associate at MinterEllison.

Areas of practice

- Energy, Resources and Infrastructure
- Corporations and Insolvency
- Trade Practices
- Banking, Securities and Financial Services
- Equity and Trusts
- Professional Liability

Tertiary Education

2005	Bachelor of Laws (Hons), University of Queensland
2003	<i>Corrs Chambers Westgarth Prize</i> (Competition Law)
2003	<i>David Leeder Davies Prize</i> (Trade Practices Law)

Career summary

February 2012	Commenced practice as a barrister
2006-2011	Solicitor/Senior Associate

Selected cases

Banking and finance

Acting for a bank in the defence of Supreme Court of Queensland proceedings alleging breach of contract and negligence in relation to customer employee fraud (leading Ms B. Fernandez of counsel; 2025-).

Appeared for a bank in a two-day hearing before the Supreme Court of Queensland concerning a challenge by the Commonwealth of Australia to the exercise by the bank of rights of set-off in the liquidation of a construction company (leading Ms G. Feely of counsel; 2023-2025).

Appeared for a bank as plaintiff in Supreme Court of Queensland proceedings and respondent in an appeal to the Court of Appeal concerning the enforcement of loan facilities and securities (2017-2018).

Appeared for a bank to resist an application to the Supreme Court of Queensland for interlocutory injunctive relief to restrain the continuation of a receivership (2015).

Acted for a bank in the defence of Supreme Court of Queensland proceedings alleging unconscionable conduct in the provision of loan facilities (2015).

Acted for a bank in the defence of Supreme Court of Queensland proceedings alleging breach of contract and negligence in relation to customer employee fraud (led by Mr J. McKenna KC; 2015-2016).

Acted for a bank in a multi-party securities priority dispute (led by Ms S. Brown QC (now Hon. Justice Brown); 2012).

Corporations and insolvency

Acted for the plaintiffs in Supreme Court of Queensland proceedings alleging oppression in the conduct of the affairs of a manufacturing company (leading Mr A. Psaltis of counsel; 2024).

Acted for former company directors in the defence of Supreme Court of Queensland proceedings brought by liquidators alleging breach of directors' duties (leading Ms G. Feely of counsel; 2023-2024).

Appeared for deed administrators in a three-day trial before the Federal Court of Australia in the defence of multiple claims brought by an alleged creditor of an insolvent construction company concerning adjudication of proof of debts (leading Mr A. Psaltis of counsel; 2020-2021).

Appeared for members of the board and executive of a major Queensland energy GOC in a liquidator's public examination into the affairs of a debtor company (2019).

Acted for the receivers and managers of the assets of an insolvent managed investment scheme in multi-party proceedings concerning (inter alia) priorities in distribution from various funds (led by Mr D. O'Sullivan KC; and leading Mr A. Psaltis of counsel in separate proceedings; 2017-2020).

Acted for directors of a major insurance broker in the defence of proceedings in the Supreme Court of Queensland alleging oppression in the conduct of the affairs of the company (2018).

Appeared for a creditor in Supreme Court of Queensland proceedings concerning the power of an administrator of a deed of company arrangement to amend the company constitution (led by Mr D. Kelly QC (now Hon. Justice Kelly); 2017).

Appeared for a creditor in an appeal to the Full Court of the Federal Court of Australia concerning the contested automatic termination of a composition arrangement in bankruptcy (led by Mr D. Kelly QC (now Hon. Justice Kelly); 2016).

Acted for the administrators of a regional airline in relation to contentious aspects of the administration (led by Mr G. Thompson KC; 2015).

Energy, resources and infrastructure

Acting for an international commodities trader in the defence of Federal Court of Australia proceedings concerning claims for misleading conduct in relation to the sale of coal (leading Ms H. Lilley of counsel; 2024-).

Appeared for the owner of a coal export terminal in commercial arbitration proceedings seated in Brisbane, Queensland, before the Hon. Wayne Martin AC KC concerning a review of infrastructure charges payable by users of the terminal (led by Mr L. Kelly KC and Mr M. Johnston KC; 2022-2024).

Appeared for a multi-national contractor in a hearing before a three-member referee panel and related proceedings concerning claims by a project principal in respect of the construction of an LNG facility, and related court proceedings (led by Mr S. Couper KC, Mr L. Kelly KC and Mr D. O'Sullivan KC; 2020-2024).

Acted for the plaintiff in Supreme Court of Queensland proceedings concerning a claim for an alleged loss of opportunity to develop a thermal coal mine (led by Ms K. Downes QC (now Hon. Justice Downes), Mr P. O'Shea KC and Mr D. O'Sullivan KC; 2019).

Appeared for two multi-national project principals in commercial arbitration proceedings seated in Perth, Western Australia, before the Hon. Murray Gleeson AC, the Hon. Chris Pullin KC, and Mr Robert Gaitskell KC concerning the construction of an LNG facility (led by Mr D. O'Sullivan KC; 2016-2017).

Acted for Vale S.A. as plaintiff in Supreme Court of Queensland proceedings for recovery of a break fee pursuant to a mining joint venture agreement (2016-2017).

Appeared for two multi-national contractors in commercial arbitration proceedings seated in Brisbane, Queensland, before Mr Allan Myers AC KC, Mr Marcus Taverner KC, and Mr Adam Constable KC (now Hon. Mr Justice Constable) concerning the construction of an LNG facility (led by Mr L. Kelly KC; 2014- 2016).

Appeared for a national contractor in commercial arbitration proceedings seated in Brisbane, Queensland, before the Hon. David Byrne KC, concerning the construction of expansion works on a coal export terminal (led by Mr G. Thompson KC; 2012-2014).

Equity and trusts

Acted for the plaintiff in Supreme Court of Queensland and Federal Court of Australia proceedings concerning claims of breach of fiduciary duty in relation to the conduct of an agent of a commercial real estate agency (led by Mr D. Kelly QC (now Hon. Justice Kelly); 2016-2020).

Acted for the plaintiff in Supreme Court of Queensland proceedings concerning claims of fraud and breach of fiduciary duty in relation to the sale of commercial property (led by Mr D. Kelly QC (now Hon. Justice Kelly); 2016-2018).

Acted for the applicant in Supreme Court of Queensland proceedings concerning statutory review of the conduct of trustees in the administration of a unit trust (2015).

Professional liability

Acting for a plaintiff in Supreme Court of Queensland proceedings alleging negligence of various professionals in relation to deprivation of ownership of real property through alleged identity fraud (leading Mr M. Paterson of counsel; 2025-).

Acting for a third-party contractor in Supreme Court of Queensland proceedings concerning allegedly defective remediation works at a resort following a cyclone (leading Ms B. Fernandez of counsel; 2025-).

Acted for a certifier in the defence of Supreme Court of Queensland proceedings concerning alleged defects in the construction of a major residential unit complex (led by Mr G. Thompson KC; 2017).

Appeared for a respondent contractor in an appeal to the Court of Appeal arising out of Supreme Court of Queensland proceedings alleging breach of contract and negligence in the performance of building works at property in North Queensland (2016).

Acted for engineers in the defence of Supreme Court of Queensland proceedings concerning allegedly defective design of the foundations of a major retail distribution centre and warehouse (led by Mr G. Thompson KC; 2015-2016).

Acted for engineers in the defence of Supreme Court of Queensland proceedings concerning allegedly defective design of the roof section of the 'Gabba stadium (led by Mr L. Kelly KC; 2014-2015).

Acted for engineers in the defence of multi-party proceedings in the Supreme Court of Queensland concerning allegedly defective design and partial collapse of the boardwalk at Eagle Street Pier, Brisbane (led by Ms S. Brown QC (now Hon. Justice Brown); 2012-2013).

Trade practices

Acted for a shopping centre owner in the defence of Supreme Court of Queensland proceedings concerning alleged misleading conduct in relation to a shopping centre management agreement (leading Ms M. Daley of counsel; 2023-2024).

Acted for defendants in Supreme Court of Queensland proceedings alleging unconscionable conduct and misleading conduct in relation to the affairs of a technology start-up (led by Mr L. Kelly KC and subsequently Mr G. Beacham KC; 2019-2020).

Appeared for defendant vendors in a trial in the Supreme Court of Queensland concerning claims for alleged breach of warranty and misleading or deceptive conduct in relation to the sale of a large private business (led by Mr D. Kelly QC (now Hon. Justice Kelly); 2017-2019).

Acted for a telecommunications company as plaintiff in Supreme Court of Queensland proceedings alleging misleading conduct in the provision of telecommunications services by a competitor (led by Ms S. Brown QC (now Hon. Justice Brown); 2012).