



David Batt QC
Barrister

List A Barristers
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Areas of Practice

- Arbitration
- Administrative Law
- Banking and Finance
- Building, Construction and Engineering
- Class Actions and Representative Proceedings
- Commercial Law
- Constitutional Law
- Contract
- Corporations and Securities
- Equity and Trusts
- Insurance
- Land Valuation
- Taxation, Revenue and Stamp Duty
- Trade Practices, Competition, Market Conduct, Consumer Protection

Educational Qualifications

LLM (Cantab), LLB (Hons) (Melb), B Comm (Melb)

Legal Experience

25 November 2010: Appointed Senior Counsel (and later appointed Queen's Counsel, on 16 April 2014).

2005 to 2007: Member of the Executive of the Commercial Bar Association (Equity Section).

1999-2006: Reporter for The Commonwealth Law Reports.

28 May 1998: Signed the Bar Roll and commenced practice at the Victorian Bar.

1994-1998: Solicitor, Litigation Department, Arthur Robinson & Hedderwicks.

11 April 1994: Admitted to practice as a Barrister and Solicitor of the Supreme Court of Victoria.

1993: Articled clerk, Banking & Finance Department, Arthur Robinson & Hedderwicks

Previous Matters and Appearances

Generally:

Practises broadly in commercial and public law in the superior courts, particularly appellate work in commercial matters, and trials and other hearings in large, complex commercial disputes.

Extensive arbitration experience, both in commercial arbitrations in Victoria and in international arbitrations, including appearing in a number of UNCITRAL arbitration hearings in Singapore since 2010.

Also practises widely in land valuation matters, both compulsory acquisitions and rating disputes.

Listed in *Best Lawyers* each year from 2010 to 2015 (inclusive) in both the fields of litigation generally and constitutional law.

Previous appearances (from 2005) include:

CA & CA Ballan Pty Ltd v Oliver Hume (Australia) Pty Ltd [2017] VSCA 11

Timbercorp Finance Pty Ltd v Collins & Ors [2016] VSC 776

Lower Our Tracks Inc v Minister for Planning [2016] VSC 803

Thompson v Geminder Holdings Pty Ltd [2016] VSC 495

State Street Australia Ltd v Retirement Villages Group Management Pty Ltd [2016] FCA 675

Aveo Group Limited v State Street Australia Limited [2016] FCAFC 81

Timbercorp Finance Pty Ltd v Collins and Tomes [2016] VSCA 128

Phoenix Institute of Education Pty Ltd v Commonwealth of Australia [2016] FCA 190

Oliver Hume (Aust) Pty Ltd v Elysian Group Pty Ltd [2016] VSC 72

Timbercorp Finance Pty Ltd v FTM Nominees Pty Ltd & Anor [2015] VSC 498

Re Timbercorp Finance Pty Ltd (in Liq) [2015] VSC 461

Regis Aged Care Pty Ltd v Commissioner of State Revenue [2015] VSC 279

Cameron Australasia Pty Ltd v AED Oil Ltd [2015] VSC 163

ICM Investments Pty Ltd v San Miguel Corporation and Berri Ltd [2014] VSCA 246

Cromwell Property Securities Ltd v Financial Ombudsman Service Ltd [2014] VSCA 179

Flint Ink NZ Limited v Huhtamaki Australia Pty Ltd (ACN 003 122 843) [2014] VSCA 166

Love v Roads Corporation [2014] VSCA 30

Flint Ink NZ Ltd v Huhtamaki Aust Pty Ltd [2013] VSCA 381

Shepparton Projects Pty Ltd v Cave Investments Pty Ltd [2013] VSCA 152

Cromwell Property Securities Ltd v Financial Ombudsman Service Ltd [2013] VSC 333

ANZ Banking Group Ltd v Konza and Commissioner of Taxation (2012) 206 FCR 450

Australian Property Custodian Holdings Ltd v Capital Finance Australia Ltd [2012] VSC 124

ANZ Banking Group Ltd v Konza and Commissioner of Taxation [2012] FCA 196

Challenger Property Asset Management Pty Ltd v Stonnington City Council (No.2) [2012] VSC 67

Roads Corporation v Love [2010] VSC 581

Roads Corporation v Love [2010] VSC 537
Oakton Services Pty Ltd v Tenix Solutions IMES Pty Ltd [2010] VSC 176
Challenger Property Asset Management Pty Ltd v Stonnington City Council (2011) 34 VR 445
Roads Corporation v Love [2010] VSC 253
Roads Corporation v Love [2010] VSC 238
Roads Corporation v Love [2010] VSC 153
Verwey v Minister for Environment [2010] VCAT 368
Bamford v Commissioner of Taxation (2009) 176 FCR 250 (FC)
Sportsbet Pty Ltd v Harness Racing Victoria [2009] FCA 1471
Roads Corporation v Love [2009] VSC 628
Roads Corporation v Schembri [2009] VSC 369
Emirates v ACCC (No 2) [2009] FCA 492
Emirates v ACCC (2009) 255 ALR 35, [2009] FCA 312
Ann Street Mezzanine Pty Ltd (in liq) v Beck [2009] 255 ALR 324, [2009] FCA 333
ISPT v MCC [2008] VSCA 180; (2008) 162 LGERA 59
Carey v ASIC (2008) 169 FCR 311, [2008] FCA 963
TT-Line Co Pty Ltd v Commissioner of State Revenue [2008] VSC 506
TS Production LLC v Drew Pictures Pty Ltd (2008) 172 FCR 473 (FC)
TS Production LLC v Drew Pictures Pty Ltd [2008] FCA 1329
TS Production LLC v Drew Pictures Pty Ltd (2008) 250 ALR 87; [2008] FCA 1110
Bamford v Commissioner of Taxation [2008] AATA 332
Jefferson Ford Pty Ltd v Ford Motor Company of Australia Ltd [2007] VSC 450
Mokbel v Attorney General for the Commonwealth of Australia, [2007] FCAFC 161
Mokbel v Attorney General for the Commonwealth of Australia (2007) 244 ALR 517,
[2007] FCA 1536
ISPT v MCC & Valuer General [2007] VCAT 652 (Morris J)
*Shop, Distributive and Allied Employees Association v Commissioner of State
Revenue* [2005] ATC 5012; (2005) 61 ATR 455
Takeovers Panel v Glencore International AG (2005) 55 ACSR 453
Rio Tinto Ltd v Commissioner of Taxation [2005] FCA 1454
*Australia Pacific Airports (Melbourne) Pty Ltd v The Nuance Group (Australia) Pty
Ltd* [2005] VSCA 133
Melbourne City Council v Port of Melbourne Corporation [2005] VSCA 72; (2005)
LGERA 318

Since 2014, retained by the liquidators of Timbercorp Finance Pty Ltd in the test cases for the recovery of debts from numerous borrowers following the failure of the Timbercorp Group proceeding.

In 2014, retained by the State of Victoria and the Minister for Planning to represent them at the hearing set down for December 2014 concerning a challenge by Yarra and Moreland City Councils to the legality of the Minister's decision to grant the necessary approvals for the East West Link freeway.

From 2010 to 2014, retained by Holman Fenwick Willan Singapore in three UNCITRAL international arbitrations relating to Indonesian coal mining disputes, and appeared in Singapore on a number of occasions in those matters.

Between 2013 and 2014, retained in and appeared at the hearing of a substantial commercial arbitration concerning defective works on the subsea tree of an offshore oilfield.

Briefed on behalf of Energex in the Cranbourne landfill dispute (*Wheelahan v Casey*), which prior to settlement had been set down for hearing in the Supreme Court of Victoria during 2012 on an estimate of 50 days.

During 2011, retained and appeared at trial (until settlement) on behalf of Australia & New Zealand Banking Group Ltd in the extensive ANZ v Primebroker litigation in the Supreme Court of Victoria.

During 2011, retained in a commercial arbitration concerning a substantial information technology contract dispute and appeared at the lengthy hearing before the Honourable E W Gillard until the matter settled.

From July 2006 to August 2007, retained full time on behalf of BHP Billiton Petroleum Pty Ltd in major design and construction litigation in the Supreme Court of Victoria (*McConnell Dowell Constructors (Aust) Pty Ltd v BHPB & Ors*, No.4915 of 2004, which settled shortly after the commencement of trial).