

David B McGovern S.C.

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Education

2015	Mediating the litigated case, mediation course, Pepperdine University
2002	Appointed Senior Counsel
1981	Admitted as barrister at law in New South Wales
1980	LLM Sydney University
1974-1975	LLB Sydney University

Biography:

David appears and advises in a diversity of commercial disputes, with specialist experience and expertise in tax and revenue law, administrative law, equity, and commercial litigation.

David's longstanding experience provides him with a unique appreciation of the sensitive but strategic approach required of commercial disputes. David's advice and advocacy is regularly sought by both the Australian Tax Office and taxpayers in large and sophisticated taxation matters.

David accepts appointments for mediation and alternative dispute resolution, having completed courses in dispute resolution at Pepperdine University in the United States.

Professional

1981 - Present **Barrister**

11th Floor St James' Hall Chambers

Experienced commercial litigator accepting briefs in a broad range of commercial matters including taxation and revenue and accepting appointments as mediator in range of commercial equity, family law, estates and taxation. Regularly appears in the High Court of Australia, Full Court of the Federal Court of Australia, New South Wales Court of Appeal and Supreme Courts in all Australian States and Territories.

Notable High Court cases:

Federal Commissioner of Taxation v Bargwanna (2012) 244 CLR 655
Avon Products Pty Limited v Commissioner of Taxation (2006) 230 CLR 356
Re Carmody; Ex Parte Glennan (2003) 77 ALJR 1202
Commissioner of Taxation v Payne (2001) 202 CLR 93
Malubel Pty Limited v Elder (No 2) (1998) 73 ALJR 269
Fletcher v Commissioner of Taxation (1991) 173 CLR 1
Federal Commissioner of Taxation v Dalco (1990) 168 CLR 614
Smith v Commissioner of Taxation (1987) 164 CLR 513

Federal Court cases:

Cassaniti v Federal Commissioner of Taxation [2018] FCA 92
Gould v Federal Commissioner of Taxation (2017) 104 ATR 608
Obeid v Federal Commissioner of Taxation [2017] FCA 1135

FCT v Normandy Finance & Investments Asia Pty Limited & Ors 2016 ATC 20-595
Millar v Federal Commissioner of Taxation (2016) 243 FCR 302
Seymour v Federal Commissioner of Taxation (2016) 241 FCR 361
Millar & Anor v FCT 2016 ATC 20-578
Agius v FCT 2015 ATC 20-517
Allan J Heasman Pty Limited v FCT 2015 ATC 20-524
Deputy Commissioner of Taxation v Leaver [2015] FCA 1454
McCarthy v Federal Commissioner of Taxation (No 2) [2015] FCA 1346
Millar & Anor v FCT 2015 ATC 20-531
Pioneer Mortgage Services Pty Limited v Columbus Capital Pty Limited [2015] FCA 1067
Pratten v Federal Commissioner of Taxation [2015] FCA 1357
Alexander v Federal Commissioner of Taxation [2014] FCA 1161
Fitzroy Services Pty Limited v FCT 2013 ATC 20-394
McCarthy v Federal Commissioner of Taxation (2013) 249 FCR 140
ATS (Asia Pacific) Pty Limited v DunOir Investments Pty Limited [2012] FCA 1460
Cameron v FCT 2012 ATC 20-320; (2012) 202 FCR 301
Cameron v FCT (No 2) 2011 ATC 20-294
Higgins v Hancock (2011) 199 FCR 393
Cassinini v FCT (No 1) 2010 ATC 20-192
Cassinini v FCT (No 2) 2010 ATC 20-193
Darrelen Pty Limited as trustee of Henfam Superannuation Fund v FCT 2010 ATC 20-180
IFTC Broking Services Limited v FCT (2010) 78 ATR 606
MacMahon v Block [2010] 8 ABC (NS) 354
Commissioner of Taxation v Grimaldi (No 9) (2009) 181 FCR 275
Commissioner of Taxation (Cth) v Grimaldi (No 10) (2009) 78 ATR 52
FCT v Grimaldi 2009 ATC 20-147
Hartnell v FCT (No 1) [2009] FCA 230
BAE Systems Australia (NSW) Pty Limited v FCT (2008) 69 ATR 567
Fowler v FCT 2008 ATC 20-022
Kocic & Anor v FCT 2008 ATC 20-061
Princi & Ors v FCT 2008 ATR 20-016
Princi v FCT 2008 ATC 20-016
3D Scaffolding Pty Limited & Anor v FCT 2008 ATC 10-009
Golden Chef (NSW) Pty Limited v DFCT 2007 ATC 4560
IRG Technical Services Pty Limited & Anor v DFCT 2007 ATC 5326
Ell & Anor v FCT 2006 ATC 4098
Jewiss v DCT [2006] FCA 1688
Anscor Pty Limited v Clout (Trustee) (2004) 135 FCR 469
Constantindis v FCT 2004 ATC 4371
Falcetta v FCT 2004 ATC 4514
FCT v Amway of Australia Limited 2004 ATC 4893
Trylow Pty Limited & Anor v FCT 2004 ATC 4406
Bartlett & Anor v FCT 2003 ATC 4962
FCT v Metaskills Pty Limited 2003 ATC 4644
Federal Commissioner of Taxation v Metaskills Pty Limited (2003) 130 FCR 248
Liu v FCT 2003 ATC 4343
Brown v FCT 2002 ATC 4273
North Ryde RSL Community Club Limited v FCT 2002 ATC 4293
Awad v DFCT 2001 ATC 4183
Clean Investments Pty Limited v FCT 2001 ATC 4068
Naboulsi v FCT 2000 ATC 4398
National Australia Bank Limited v Blacker (2000) 104 FCR 288
Tedman v DCT [2000] FCA 336
Wilson v Official Trustee in Bankruptcy [2000] FCA 304
Deputy Commissioner of Taxation v Wily (1999) 41 ATR 433

Carr v McDonalds Australia Limited (1994) 63 FCR 358
Deputy Commissioner of Taxation v Donnelly (1989) 25 FCR 432
Oliveri v Stafford (1989) 24 FCR 413
Re Bunn; Ex Parte Bunn (1989) 20 FCR 393
Knight v Deputy Commissioner of Taxation (1987) 19 ATR 497
Trustee of the Balmain Trust v FCT 99 ATC 5334
Amway of Australia Pty Limited v FCT 98 ATC 5066
McCurry & Anor v FCT 98 ATC 4487
Trustee of the Balmain Trust v FCT 98 ATC 4433
Darrell Lea Chocolate Shops Pty Limited v FCT 97 ATC 4040
FCT v McMahon & Anor 97 ATC 4986
FCT v Munro 97 ATC 5041
Lees & Leech Pty Limited v FCT 97 ATC 4407
Madden v Madden 95 ATC 4465
Pepsi 7-Up Bottlers Perth Pty Limited & Anor v FCT 95 ATC 4746
Raffaella v DFCT 94 ATC 4746
Re Thai; Ex Parte Deputy Commissioner of Taxation 94 ATC 4289
FCT v Gerbich & Shen 93 ATC 4564
Martin v FCT 93 ATC 5200
Allard v FCT 92 ATC 4897
Rippon v FCT 92 ATC 4186
Oates v FCT 91 ATC 4060
Utraknew Holdings Pty Limited v FCT 91 ATC 4272
Eldridge v FCT 90 ATC 4907
Federal Commissioner of Taxation v Elton 90 ATC 4078
Otto Australia Pty Limited v FCT 90 ATC 4604
Brambles Holdings Pty Limited v Federal Commissioner of Taxation 90 ATC 4584
Eldridge v FCT 90 ATC 4907
Galea v FCT 90 ATC 5060
Budget Nursery Pty Limited v FCT 89 ATC 4801
Edelsten v FCT 89 ATC 4120
FCT v Raptis 89 ATC 4994
Edelsten v Wilcox & Anor 88 ATC 4484
F & C Donevus Pty Limited v FCT 88 ATC 4582
Re Edelsten; Donnelly v Edelsten & Ors 88 ATC 4958
Re Dalco; Ex Parte Deputy Commissioner of Taxation 87 ATC 4647
Pioneer Concrete (NSW) Pty Limited v FCT 86 ATC 4435
Milton Corporation v FCT 85 ATC 4243
FCT v Walker 84 ATC 4553
Walker v FCT 83 ATC 4168

New South Wales Supreme Court and Court of Appeal cases:

Deputy Commissioner of Taxation v Armstrong Scalisi Holdings Pty Ltd [2019] NSWSC 129
Anglo-American Investments Pty Limited v Deputy Commissioner of Taxation (2017) 105 ATR 35
Miller v R [2014] NSWCCA 34
Cassaniti v The Queen (2007) 68 ATR 363
Trimcoll Pty Limited v Deputy Commissioner of Taxation [2007] NSWCA 307
Trust Company Limited v Chief Commissioner of State Revenue 2007 ATC 5115
Carr v Fischer [2006] NSWCA 313
CSR Limited v The Chief Commissioner of State Revenue (2006) 68 NSWLR 440
Flowers v Vescio [2006] NSWCA 342
Chen v City Convenience Leasing Pty Limited [2005] NSWCA 297

Mimica v Multiplex Constructions Pty Limited [2005] NSWCA 138
Miller v DPP [No 2] [2004] NSWCA 249
Miller v DPP [2004] NSWCA 90
Naumoski v NCR Australia Pty Limited [2004] NSWCA 310
Waverley Municipal Council v Cheowary [2003] NSWCA 12
Harpas v Commissioner of Taxation [2002] ATC 4741
Marrickville Municipal Council v Moustafa [2002] NSWCA 179
Marrickville Municipal Council v Moustafa (2001) 117 LGERA 291
Ancor Limited (t/a Australia Paper Manufacturers) v Watson [2000] NSWCA 21
HH Casualty and General Insurance Limited v Plum Constructions Pty Limited [2000] NSWCA 281
Barbieri v Fairfield City Council (1999) 105 LGERA 304
Sayer v Sayer [1999] CA 340
Wong v Kelly (1999) 43 ATR 436; 154 FLR 200
Comptroller-General of Customs v D'Aquino Bros Pty Limited (1996) 85 A CrimR 517
Bouton v Labicag (1994) 33 NSWLR 225
Goldberg v Ng (1994) 33 NSWLR 639
Lee v Ferno Holdings Pty Limited (1993) 33 NSWLR 404
Managing Director NSW Technical and Further Education Commission v Fines (1993) 32 NSWLR 385
Oliveri v Oliveri (1993) 38 NSWLR 665
R v Hookham (1993) 31 NSWLR 381
R v Hookham [No 2] (1993) 32 NSWLR 345
DPP v Chidiac (1991) 25 NSWLR 372
Budget Nursery Pty Limited v Commissioner of Taxation (1989) 42 A CrimR 81
Brady v Girvam Bros Pty Limited (1986) 7 NSWLR 241
Dalco v Commissioner of Taxation (1987) 19 ATR 443
Milton Corporation Limited v Commissioner of Taxation (1985) 79 FLR 263
Perrim v Peters (1983) 52 LGRA 198
Walker v Commissioner of Taxation (1983) 70 FLR 354

States/Territories:

Territory Resources Limited v Secretary for Mineral Resources (NT) [2018] NTSC 12
Commissioner for ACT Revenue v Arcidiacono (T/as Rose Cleaning Service) [2017] ACTSC 379

Full case list available on request.