



David S Allen
Barrister

Level 9, 167 Macquarie Street
Sydney NSW 2000

+61 2 8227 4400

allen.d@universitychambers.com.au

<https://www.linkedin.com/in/davidswallen>

Professional

Called to the Bar (2020)
Senior Associate, Ashurst, Sydney (2018-2020); Associate, Allen & Overy, London (2015-2017);
Lawyer, Allens, Sydney (2011-2014)
Admitted as a solicitor in England and Wales (2016)
Admitted as a solicitor in New South Wales (2011)

Education

Master of Economics (Finance, Economics), University of Sydney (2011)
Bachelor of Laws (Hons I), University of Sydney (2009)
Bachelor of Arts (Hons I), University of Sydney (2007)

David Allen has a broad commercial practice with particular experience in contracts, building and construction, corporations, equity, banking and finance, insolvency, trusts and real property.

He appears led and unled in the Supreme Court of New South Wales, the Federal Court of Australia and other courts and tribunals in interlocutory applications and complex general law and statutory disputes and appeals.

David is dedicated to promoting clients' best interests and to the development of the law and legal practice and technology.

Selected cases

Commercial – Contract and Misleading or Deceptive conduct

*Tastec Pty Ltd & Anor v Larsen as trustee
for the Larsen Superannuation Fund*
[2026] HCADisp 10

*Larsen as trustee for the Larsen
Superannuation Fund v Tastec Pty Ltd*
[2025] NSWCA 145, [2025] NSWCA 210
(Adamson and Stern JJA, Price AJA)

Misleading or deceptive conduct – loss of
contractual right to building work – measure of
damages – reasonableness of rectification – acting
for owners

Appeal to NSWCA allowed. Owners awarded
damages in amount required to complete building
works. Builder's application for special leave to High
Court refused.

Led by Bret Walker SC and with M Mellos (HCA), led
by I Roberts SC (NSWCA), instructed by Mills Oakley

*Lefevre v Empassion Natural Pty Ltd;
Andrew Keely & Mark Neveceral* [2022]
NSWLC

Misleading or deceptive conduct – accessory
liability of defendant directors – appearing for
franchisee plaintiff

Judgment for franchisee plaintiff against directors
personally

Instructed by AMK Law

Commercial – Corporations	<i>BG&E Group Limited, in the matter of BG&E Group Limited</i> [2025] FCA 1232, [2025] FCA 1323 (Markovic J)	Scheme of arrangement – French acquirer – scrip consideration – deferred consideration – whether debentures – acting for company Scheme approved Led by Dr R P Austin AM, instructed by PricewaterhouseCoopers
	<i>Vulpes Distressed Fund v Balamara Resources Ltd</i> [2023] NSWSC (Black J)	Corporations – oppression – ability to participate in capital raisings – conduct of directors’ meetings – acting for independent directors Minority shareholder’s claim against directors dismissed and company transactions preserved by settlement Led by Dr R P Austin AM; instructed by Blackwall Legal
Commercial – Fiduciary Duties, Confidential Information, Copyright, Accessorial Liability	<i>Generate Group Pty Limited ACN 072 667 228 v Sint Group Pty Ltd & Ors</i> [2025] FCA	Alleged involvement in breach of fiduciary duty by former employee – alleged breach of copyright in computer programs – substantial part – search order – acting for new employer director and company Proceedings dismissed by settlement Led by S Docker SC, instructed by Thomson Geer
	<i>Integrate AV Pty Ltd v Simon Gordon</i> [2023] FCA	Corporations – fiduciary duties – use of information – restraint of trade – former employee and contractor – acting for company Substantial payment to company by settlement Instructed by Antunes Lawyers
Commercial – Insurance	<i>Owners - Strata Plan No. 81376 v Insurance Australia Limited t/as Lumley Insurance</i> [2025] NSWSC 438 (Stevenson J)	Construction of home warranty insurance policy – when claim made – statutory overlay – limitation – acting for owners Appeal discontinued by settlement Led by M Ashhurst SC, instructed by Bannermans Lawyers
	<i>Blaze Real Estate v ProRisk</i>	Professional indemnity insurance – known circumstances – acting for insured Indemnity confirmed Instructed by Alexander Richards Lawyers
Building and Construction	<i>Dickson Developments Precinct 2 Pty Ltd v Ormond Civil Pty Ltd</i> [2026] FCA	Shoring wall collapse – negligent design – groundwater impacts – multiple parties – acting for anchoring subcontractor Cross-claim dismissed by consent Led by N Simpson SC, instructed by Carter Newell

	<i>Owners – Strata Plan No. 102137 v Galileo Phillip Street JV Pty Limited</i> [2023] NSWSC	<i>Home Building Act 1989</i> – statutory warranties – façade rectification – liability and quantum – appearing for developer Proceedings dismissed on settlement Led by D Sibtain SC; instructed by Mills Oakley
	<i>Render Bros Pty Ltd v Elcham</i> , Security of Payment Act adjudication	Building contract – payments by principal – quantum – acting for contractor Adjudication certificate for amount claimed by contractor plus costs Instructed by Hilton Bradley Lawyers
	<i>Renaud & Ors v Two Building Constructions Pty Ltd</i> [2024] NSWCATCD (Burton SC)	Residential building – water ingress – defective rectification work – <i>Design and Building Practitioners Act 2020</i> (NSW) – enforcement of DBP Act duty in Tribunal – acting for owners Judgment for owners Instructed by Brady and Associates Lawyers
Commercial – Employment	<i>Kalmar Equipment (Australia) Pty Ltd v PortxGroup Pty Ltd</i> [2022] FCA (Luxton JR)	Preliminary discovery – former employees – confidentiality – appearing for employee respondents Application for preliminary discovery dismissed with costs Instructed by Holding Redlich
	<i>Joseph v Parnell Corporate Services Pty Ltd</i> (2021) 284 FCR 546; [2021] FCAFC 67 (Logan, Katzmann and Snaden JJ)	Executive employment – <i>Fair Work Act 2009</i> – costs of a cross-claim – appearing for employer Employee appeal dismissed Led by D Barnett SC; instructed by Atanaskovic Hartnell
Commercial – Insolvency	<i>Stone (liquidator), in the matter of Ironbark Blacksmithing Pty Ltd (in liq) v Mizzi</i> [2024] FCA 696 (Halley J)	Corporations – recovery of shareholder loans – breach of director’s duties – insolvent trading – limitation of actions – acting for directors Judgment against directors for part of the liquidator’s claim Instructed by Circle Bridge Legal
	<i>Equitable Financial Solutions Pty Ltd (in liquidation) v Summiya Usman</i> [2020] NSWSC (Ball J)	Application for judgment on settlement deed – appearing for liquidator Judgment entered Instructed by Hall & Wilcox
Financial Regulation, Unfair Contract Terms	<i>CHEP Australia Ltd v Moose Enterprise Pty Ltd</i> [2025] NSWSC	Charges for lost pallets – penalties – unfair contract terms – acting for customer Proceedings dismissed on settlement Instructed by Maddocks

Financial Regulation, Trusts Judicial advice – <i>Superannuation Industry (Supervision) Act 1993</i> (Cth) – construction of trust deeds – application of the Superannuation Industry (Supervision) Regulations 1994 – reserves and unit pricing – appearing for APRA	<i>Re Legal Super Pty Ltd</i> [2023] VSC 545 (Lyons J)	Judicial advice given – trustee proposals altered following engagement with APRA
	<i>Application by SCS Super Pty Limited atf Australian Catholic Superannuation and Retirement Fund</i> [2022] NSWSC 686 (Hallen J)	Led by B J Doyle KC; instructed by APRA
	<i>Application by United Super Pty Ltd atf Construction and Building Unions Superannuation Fund</i> [2021] NSWSC 1679 (Henry J)	Judicial advice given Led by S Cooper QC (as his Honour then was); instructed by APRA
	<i>Application by Motor Trades Association of Australia Superannuation Fund Pty Ltd atf Spirit Super</i> (2021) 113 ATR 868; [2021] NSWSC 1672 (Henry J)	
Real Property and strata schemes	<i>Re HEST Australia Ltd</i> (2021) 66 VR 338; [2021] VSC 809 (Button J)	Judicial advice given Led by Dr R P Austin AM; instructed by APRA
	<i>Re Care Super Pty Ltd</i> [2021] VSC 805; (No 2) [2021] VSC 845 (Lyons J)	
	<i>Kent Street Fund II v Westastop Pty Ltd</i> [2026] NSWSC	Subterranean rock shelf between neighbouring land – alleged nuisance – right to support of land – <i>Access to Neighbouring Land Act 2000</i> – duty judge – acting for neighbour (Investa) Access terms and compensation agreed Led by D Sibtain SC, instructed by Mills Oakley
	<i>Owners - Strata Plan No. 80877 v Lannock Capital 2 Pty Ltd (No 2)</i> [2024] NSWSC 618	Real property – strata title – termination of strata scheme – position of lessee – appearing for lessee Application to terminate strata scheme dismissed and lease preserved Led by S Robertson SC, instructed by Colin Biggers & Paisley
Banking and Finance	<i>Oziris Investments Group Pty Ltd v Malabar Headlands Pty Ltd; Malabar Headlands Pty Ltd v Oziris Investments Group Pty Ltd</i> [2024] NSWCATAP 73; [2023] NSWCATCD 113	Real property – construction of Covid regulations – rent review clause – repudiation – estoppel by convention – reliance damages – appropriation of payments – costs – appearing for landlord Challenge to landlord’s re-entry and tenant’s claim for damages dismissed with costs Instructed by Gladwin Legal
	<i>Barker J Pty Ltd v Malanga & Commonwealth Bank of Australia</i> [2026] NSWSC	Restitution – mistaken transfer of funds – mortgage fraud – acting for innocent recipient Proceedings discontinued on settlement Instructed by Maguire & McInerney Lawyers
	<i>Ut Ian v Macquarie Bank Limited</i> [2023] FCA	Banking – ‘debanking’ – denial of account access without notice – acting for customer Access restored by settlement Instructed by James & Jaramillo

	<i>King v Yeak</i> [2022] NSWDC	Consumer credit – business purpose – consumer credit code – acting for borrower Settlement for principal amount of loan only Instructed by ClarkeKann Lawyers
Interlocutory relief and injunctions	<i>Generate Group Pty Limited v Harris</i> [2022] FCA (Stewart J)	Search order – Norwich Pharmacal orders for disclosure – acting for defendant Access to materials seized not allowed pending discovery and Norwich Pharmacal order for disclosure of customers discharged by consent Led by S Docker SC; instructed by Thomson Geer
	<i>Galileo Phillip Street JV Pty Limited v Austech Facades Aust Pty Ltd</i> [2023] NSWSC	Freezing order – change of company name – acting for cross-claimant Cross-defendant’s liquidation brought on Led by D Sibtain SC; instructed by Mills Oakley
	<i>Russell v Desi Nominees Pty Limited</i> [2023] FCA 1249 (Cheeseman J)	Interlocutory injunction – balance of convenience – adequacy of damages – apprehended breach by mortgagee of duty in exercising power of sale – acting for mortgagor Injunction refused; mortgagee sold at market value Instructed by Baker Deane & Nutt
	<i>Galileo Miranda Nominee Pty Ltd v Capitol Property Services Pty Limited (formerly Duffykennedy Pty Limited)</i> [2020] NSWSC (Hammerschlag J)	Security for costs – building and construction – claim by developer against builder – cross-claim by builder Security for costs of cross-claim awarded Led by D Sibtain SC; instructed by Mills Oakley
Presentations and Publications	<i>“The Bar’s Last Brief: AI and Barristers’ Work”</i> , Hunter Valley (2025) <i>“Equity, mate – Equitable principles limit the effect of general words in releases”</i> , Law Society Journal (2022) LexisNexis Practical Guidance: Insolvency – Retention of Title (2022) <i>“Recent Banking and Finance Cases”</i> , City of Sydney Law Society (2022) LexisNexis Practical Guidance: Personal Property Securities, co-author (2014)	
Awards	First place, University of Sydney Senior Moot (Equity) before Gummow J (2008) Blake Dawson Prize for Personal Taxation (2008) Walter Reid Memorial Prize for Honours in Ancient History and Classics (2007) UAI 100 and Dux of Sydney Grammar School (2003)	
Pro bono and Not for profit	Christ Church St Ives. Acting pro bono for guarantor in case of equipment financier sacrificing security (2026) Advice to NSW RSL Hunters Hill Sub-Branch, Macquarie University Greek Studies Foundation, Aboriginal Elders & Community Care Services Inc, Nature Conservation Trust of NSW and Not for Sale Australia Signatory to the National Pro Bono Target (since 2020) David is the company secretary of University Chambers	