

David McIntosh

Partner



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Sydney

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Overview

David has extensive experience advising banks, financial institutions, insolvency practitioners and corporate clients on a wide range of restructuring and insolvency issues. David is recognised as a recommended restructuring and insolvency lawyer in The Legal 500 Asia Pacific 2018.

David has represented a number of major Australian and international banks and financial institutions, insolvency officeholders, creditors, shareholders, security trustees, note holders and directors, advising on all aspects of corporate and debt restructuring, as well as local and cross border insolvency processes and issues. In addition, he has extensive experience in advising clients generally on all aspects of loan and security structuring, recovery and enforcement.

In 2019, David completed the Global Insolvency Practice Course graduating as a Fellow of INSOL International. This qualification equips David with specialist expertise in cross border and international insolvency matters.

David's experience gained both locally and abroad (including six years in London), allows him to provide his clients with a high level of practical, relevant and commercial advice tailored to meet their ever-changing needs.

Experience

- **Tiger Resources Limited:** Advising a Senior Lender in relation to a creditors' Scheme of Arrangement of English law governed debt proposed by then ASX listed Tiger Resources Limited and its subsidiaries, the owners and operators of a copper mine in the Democratic Republic of Congo.
- **Toys R Us:** Advising the security trustees of the US Bankruptcy DIP finance arrangements in connection with all aspects of the Australian administration of Toys R US and Babies R Us.
- **Network Ten:** Advising Twentieth Century Fox Film Corporation (Australia) Pty Limited in connection with the administration and ultimate sale to CBS of the ASX listed Network Ten Holdings Limited, one of Australia's major national free-to-air commercial television networks.
- **Wolf Minerals Limited:** Advising the syndicate of UK and European senior lenders on Australian law aspects of the debt restructuring of this ASX listed mining company and, subsequently its Administration and entry in

to a Deed of Company Arrangement.

- **ILH Group Limited:** Acting for the administrators of ILH Group Limited, an ASX listed legal and complimentary professional services business. This assignment included advising the administrators on all aspects of the administration process including; negotiating and documenting asset disposals; liaising with professional regulators and advising on regulatory issues; and documenting a deed of company arrangement resulting in the sale and recapitalization of the listed corporate shell.
- **Crestal Petroleum Limited:** Advising the administrators on all aspects of the administration process of this listed mining company including; the adjudication of creditor claims; negotiating and documenting asset disposals; cross-border insolvency issues; ASX listing rules and other regulatory issues; considering and advising on various deed of company arrangement proposals; and documenting a deed of company arrangement and associated transaction documents, resulting in the sale and recapitalization of the of the listed corporate shell.
- **Australian and international banks:** Acting for a number of major domestic and international banks including ANZ, Westpac, ING, Rabobank, HSBC and OCBC on numerous aspects of both restructuring and recovery of non-performing and defaulting corporate and business loans, including advising on security enforcement, insolvency processes and issues generally.
- **LSE listed UK sports retailer:** Advising LSE listed UK retailer on its bid for the acquisition of a 300+ store high street retailer from its administrators.

Insights

- "What directors in Australia should do when faced with financial difficulties," Dentons client alert, 23 March, 2020
- "Retail Industry News: Australia introduces insolvency reforms which limit contract rights to terminate for insolvency," Dentons client alert, 12 March, 2018
- "Can we help you? NSW Supreme Court provides guidance on Code of Banking Practice," Dentons client alert, 25 January, 2017
- "PPSA vesting rules: The Forge awakens," Dentons client alert, 15 February, 2016

Activities and Affiliations

- Law Society of New South Wales
- INSOL International

Memberships

- Admitted as a fellow, INSOL International

Areas of focus

Practices

- Financial Services Litigation
- Restructuring, Insolvency and Bankruptcy

Industry sectors

- Financial Institutions

Education

- Queensland University of Technology, 2002, Master of Laws, LL.M.
- Queensland University of Technology, 1999, Bachelor of Laws, LLB

Admissions and qualifications

- High Court of Australia, 2000
- Supreme Court of New South Wales, 2002
- Supreme Court of Queensland, 1999