

David Mahony

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BACKGROUND

David is a Principal Advisor at Proximity with particular corporate and commercial legal experience in the defence industry environment.

From March 2013 to December 2016 David was engaged in advising the Capability Acquisition and Sustainment Group (previously Defence Materiel Organisation) in relation to the Air Warfare Destroyer Project, predominantly on the development of the in-service sustainment solution. As part of this engagement David was embedded with the project team in South Australia, and provided legal support to the development and release to industry of an Invitation To Register followed by a limited Request For Tender. David was primarily responsible for drafting the conditions of contract and ancillary documents, and was fully engaged in evaluating ITR and RFT responses, conducting contract negotiations with the preferred tenderer, and providing final legal clearance. The initial in-service support contract was signed in December 2016, and David continues to undertake other assignments for Proximity.

Prior to joining Proximity Legal, David held senior legal positions with a leading global aerospace and defence company, including many years heading up the legal function of the Australian subsidiary of Defence giant BAE whose principal customer was the Australian Department of Defence.

David enjoys achieving effective and practical legal and business outcomes, and has a proven ability to work both as an integral member of a team and autonomously to achieve business objectives. He has a demonstrated record of establishing effective long-term working relationships with key customers and suppliers.

EXPERTISE

- › Australian defence contracting and procurement
- › Intellectual property
- › Regulatory compliance, including US International Traffic in Arms Regulations
- › Corporate governance and business ethics

David has extensive commercial and contracting experience in the defence industry, in particular in the provision of legal advice to senior management to support commercial decision-making processes for tendering and contract negotiations, as well as subsequent contract management and dispute resolution activities. David is experienced in the drafting, negotiation and management of other relevant commercial agreements (including MOUs, NDAs, teaming agreements, joint venture agreements, and standard conditions of sale and purchase).

David has strong experience working with the ASDEFCON suite of procurement and contracting documents.

EXPERIENCE

Defence contracting and procurement

David is currently advising the Capability Acquisition and Sustainment Group (previously the Defence Materiel Organisation) on the sustainment of the Air Warfare Destroyer (AWD) Capability. David has been seconded to the AWD Program Management Office since March 2013 to provide assistance to develop and establish the initial sustainment solution for the AWDs. This includes development of market solicitation documentation and contract documents including statement of work, providing commercial and strategic advice, and assisting with management and licensing of confidential information and intellectual property.

David has extensive experience on the industry side, advising Australia's leading defence prime contractor in relation to numerous large capability acquisition projects including assisting with development of tender submissions, contract negotiations (including contract drafting) and contract management. Projects include:

- › Hawk Lead-In Fighter - advising on Australian aspects including contract extensions and amendments, and establishing the project facility at Williamstown NSW.
- › Project Echidna AIR5416 - advising on contract management and dispute resolution.
- › LAND106 M113 upgrade - advising on contract management and dispute resolution.
- › Project Wedgetail AIR5077 - advising on contract management including extensive negotiations to close out delivery of a complex sub-system to the prime contractor.

David provided legal advice in relation to a complex mediation with NZ Ministry of Defence relating to the supply of the multi-role vessel HMNZS Canterbury, which was successfully resolved.

David has experience in establishing and maintaining collaborative projects, such as the Rapid Prototyping Development and Evaluation (RPDE) program between industry and the Department of Defence.

David was also a long-term member of Defence / industry working groups on defence contracting issues (through the auspices of the Australian Industry Group), which promoted collaborative discussion on development and refinement of the ASDEFCON suite of templates.

Intellectual property

David is very familiar with the intellectual property requirements of the ASDEFCON procurement and contracting templates. David was part of a team, including two senior representatives from the Department of Defence's Electronic Systems Division, which travelled to the United States of America to successfully negotiate and resolve IP issues on Project Nulka with two US contractors.

Regulatory compliance

David initiated and developed procedures and policy within a business to ensure compliance with US International Traffic in Arms Regulations. As part of this, he ensured that appropriate exemptions from State equal opportunities legislation were applied for and obtained to enable the business to comply with ITAR obligations in relation to the recruitment and management of staff.

Corporate Governance

David has experience in deploying ethics programs to a business and providing regular on-going training to staff.

QUALIFICATIONS

- › Bachelor of Arts (University of Melbourne)
- › Bachelor of Laws (University of Melbourne)
- › Admitted as a lawyer of the Supreme Court of Victoria
- › Admitted as a lawyer of the Supreme Court of South Australia
- › Unrestricted practising certificate

MEMBERSHIPS

- › Law Society of South Australia
- › Australian Corporate Lawyers Association