

DR OREN BIGOS QC

BARRISTER

CURRICULUM VITAE



OVERVIEW

Dr Oren Bigos QC practises nationally in corporate and commercial law, undertaking both trial and appellate work. He took silk in 2019.

Oren has extensive experience in corporations, insolvency, regulatory proceedings, class actions, equity and trusts, property, banking and finance and trade practices/consumer protection. He has acted in many major corporate collapses. He also has public and regulatory law experience and has acted for and against regulators. He has represented both class action plaintiffs and defendants. He has provided an opinion to a foreign court on Australian law.

Oren regularly appears for a wide range of private and government clients in proceedings in superior courts, both at first instance and appellate level. He has appeared several times in the High Court.

Oren won the Supreme Court Prize at Monash University. With the assistance of a Menzies Scholarship Oren completed BCL, MPhil, and DPhil degrees at Oxford University. His BCL subjects were Conflict of Laws, Restitution, International Dispute Settlement, and Global Comparative Financial Law (in which he won the prize) and he was awarded a Distinction. His doctoral thesis was on Conflict of Laws.

Before coming to the Bar, Oren worked as the Associate to the Hon. Justice Finkelstein of the Federal Court, and as a solicitor at Mallesons and Freehills.

He is listed in the “Best Lawyers” rankings (published in the AFR), the Chambers & Partners barrister rankings, and Doyle’s Guide.

Oren's main practice areas include:

Banking and Finance

Class Actions/Representative Proceedings

Commercial Law

Conflict of Laws (Private International Law)

Contract Disputes

Corporations and Securities

Equity and Trusts

Insolvency and Reconstruction

Insurance

Managed Investment Schemes

Mining, Energy, Resources

Mortgages and Securities (including Personal Property Securities)

Property

Regulatory (including White Collar Crime)

Schemes of Arrangement

Structured Finance/Complex Transactions

Trade Practices, Consumer Protection

KEY CASES

High Court appeals

CGU v Blakeley (2016) 259 CLR 339

ASIC v Lanepoint (2011) 244 CLR 1

Lehman Bros v City of Swan (2010) 240 CLR 509

International Air Transport Association v Ansett (2008) 234 CLR 151

High Court special leave applications

7-Eleven v Davaria [2021] HCATrans 113

Yarran v South West Aboriginal Land & Sea Council [2020] HCATrans 202

Jennings v Laming [2019] HCASL 120
Zetta Jet v Ship “Dragon Pearl” [2019] HCATrans 14
White v Timbercorp [2018] HCASL 82
Blakeley v CGU [2018] HCASL 103
Masters v North East Solutions [2017] HCASL 229
Australasian Annuities v Rowley Super Fund [2015] HCA Trans 235
Grocon v APN [2016] HCASL 54
Treasurer of Victoria v Tabcorp & Tatts Group [2015] HCA Trans 28
Rolfe v Investec Bank [2014] HCASL 140
Woodcroft-Brown v Timbercorp [2014] HCA Trans 85
Mathai v Nelson [2013] HCASL 115
Ipex v Melbourne Water [2013] HCASL 76
Norman; Re Forest Enterprises Australia [2012] HCA Trans 71

Full Federal Court

Instagram v Dialogue [2022] FCAFC 7
Davaria v 7-Eleven (2020) 281 FCR 501
McGlade v South West Aboriginal Land & Sea Aboriginal Corp (No 2) (2019) 374 ALR 329
Zetta Jet v Ship “Dragon Pearl” (No 2) (2018) 265 FCR 290
Perera v Getswift (2018) 263 FCR 92
White v Robertson (2018) 125 ACSR 390
Swishette v ACCC (2017) 249 FCR 483
Templeton v ASIC (2015) 108 ACSR 545
ASIC v Franklin (2014) 223 FCR 204
Georges v Seaborn; Re Sonray Capital Markets (2012) 206 FCR 408
Norman; Re Forest Enterprises Australia (2011) 195 FCR 97

Federal Court

CDPP v Country Care (jury trial, 2021)
ACCC v Productivity Partners (2020) 145 ACSR 316 and (2021) 154 ACSR 472

ACCC v Campbell (No 3) [2021] FCA 528
Re Holdco (No 2) [2021] FCA 377
Re Walden Cloud (2021) 149 ACSR 637
Dialogue Consulting v Instagram [2020] FCA 1846
Australian Energy Regulator v AGL Sales [2020] FCA 1623
Davaria v 7-Eleven (No 7) (2000) 148 ACSR 500
Reilly v ANZ (No 2) [2020] FCA 1502
Clark v NAB (2019) 136 ACSR 329 and [2020] FCA 652
Re QMS Media [2019] FCA 2172 and [2020] FCA 142
Re Micro-X [2019] FCA 1154
Southernwood v Brambles (2019) 137 ACSR 540
ACCC v Australian Private Networks (2019) 136 ACSR 80
ASIC v Aviation 3030 [2019] FCA 377
Zetta Jet v Linkage [2018] FCA 1979 and [2019] FCA 1408
Perera v Getswift (2018) 263 FCR 1
ASIC v AGM Markets (2018) 129 ACSR 335
ACCC v Ford (2018) 360 ALR 124
ACCC v Swishette [2018] FCA 55
Rushleigh v Forge (2018) 355 ALR 248
ACCC v Harrison [2016] FCA 1543 and [2017] FCA 182
ASIC v Sino Australia Oil & Gas (2015) 106 ACSR 575
Re Arrium [2016] FCA 1300
Re Edelsten (2014) 320 ALR 506 and (2016) 12 BFRA 68; [2016] FCA 1269
TiVo v Vivo (2014) 9 BFRA 583; [2014] FCA 789
Silvia; Re FEA Plantations [2013] FCA 1331
Appleyard; Re Crawford Farms [2012] FCA 1373
Munday Group v Tsourlinis Distributors (2010) 5 BFRA 101 and [2011] FCA 195
Norman; Re Forest Enterprises Australia (2010) 191 FCR 39
CBA v Fernandez (2010) 81 ACSR 262
Huntley v Timbercorp (2010) 187 FCR 151

Imobilari v Opes Prime (2008) 69 ACSR 235
Black & Decker v GMCA (No 5) (2008) 79 IPR 450; [2008] FCA 1738
Re Opes Prime (2008) 171 FCR 473

Victorian Court of Appeal

Urban v Junior Academy ELC [2019] VSCA 247
White v Timbercorp (2017) 123 ACSR 284
Blakeley v CGU (2017) 53 VR 733
Masters v North East Solutions (2017) V ConvR 54-890
Bennett v Talacko [2017] VSCA 163
Balanced Securities v Dumayne (2017) 53 VR 14
Horne v Retirement Guide Management (2017) 118 ACSR 509
Legend International v Indian Farmers Fertiliser Cooperative (2016) 52 VR 40
Australasian Annuities v Rowley Super Fund (2015) 318 ALR 302
Grocon v APN [2015] VSCA 190
Treasurer of Victoria v Tabcorp Holdings & Tatts Group [2014] VSCA 143
Matsoukatidou v CBA [2014] VSCA 229
Rescom v Reapfield [2014] VSCA 92
Cedar Meats v Five Star Lamb (2014) 45 VR 79
Rolfe v Investec Bank [2014] VSCA 38
Woodcroft-Brown v Timbercorp Securities (2013) 96 ACSR 307
360 Capital RE v Watts (2012) 36 VR 507
Brakatselos v ABL Nominees (2012) 36 VR 490
Sami v Roads Corporation [2009] VSCA 44
Puttick v Fletcher Challenge Forests (2007) 18 VR 70

Victorian Supreme Court

King v Linkage [2022] VSC 158
Euromark v Smash [2021] VSC 97
CPSU v UniSuper [2020] VSC 825

Re Pacific Biotechnologies [2020] VSC 636
Baymill v Drewlock [2019] VSC 827
Re AXF Group (2019) 348 FLR 391, [2019] VSC 753 and [2019] VSC 862
Re Stay in Bed Milk & Bread (2019) 58 VR 446
Yan v Zhang [2018] VSC 694
Bensons Property Group v CBA [2018] VSC 666
Re Mossgreen [2018] VSC 230
Re Mamounia (No 3) [2018] VSC 65
Raskin v Mediterranean Olives [2017] VSC 94
State of Victoria v CTM Training Solutions [2017] VSC 47
State of Victoria v Goulburn Administration Services (2016) 51 VR 685
Ten Boundary Street v Ivanhoe Project [2016] VSC 755
UDP Holdings v Ironshore (2016) 51 VR 60
Re Primary Securities [2016] VSC 536
Timbercorp Finance v Vivian (2016) 114 ACSR 198
Re Koko Black [2016] VSC 190
Re Koori Employment Enterprises Co-operative [2016] VSC 245
Native Bond v Cant [2016] VSC 206
TPC v NWC Finance [2016] VSC 117
Re National Australia Bank [2016] VSC 62
Re Octagonal Resources [2015] VSC 806
ASIC v Sino Australia Oil & Gas (2015) 106 ACSR 575
Camping Warehouse v Downer EDI [2015] VSC 555
Daiwa Can v Barokes [2015] VSC 502
Esposito Holdings v UDP Holdings [2015] VSC 183
ANZ v ASIC (2014) 106 ACSR 440
Clarke v Great Southern [2014] VSC 334
Australian Gift & Homewares Assoc v MCET [2014] VSC 481
U&D Coal v Australian Kunqian (2014) 32 ACLC 14-047
Re BCD Resources (2014) 100 ACSR 450

Re Gunns Plantations [2012] VSC 513, [2012] VSC 655, [2013] VSC 595, [2014] VSC 239, [2014] VSC 267, [2015] VSC 102 and [2017] VSC 777

Re Banksia Mortgages (2013) 95 ACSR 161

Re Crown Meats (2013) 93 ACSR 576

Mishme Enterprises v NTICED [2013] VSC 187

Re Elders Forestry Management (2012) 90 ACSR 573, [2012] VSC 373, [2013] VSC 471 and [2013] VSC 747

Re Timbercorp Securities (2010) 77 ACSR 291, [2011] VSC 24, [2011] VSC 83 and [2012] VSC 590

Algeri; Re Colorado Group [2011] VSC 260 and [2012] VSC 22

Re Colorado Group (2011) 86 ACSR 231

Thackray v Gunns Plantations (2011) 85 ACSR 144 and [2011] VSC 417

Hodgson v Amcor (2011) 32 VR 495 and [2011] VSC 204

Taverners v Saxo Bank [2011] VSC 27

Re Great Southern Managers Australia (2009) 76 ACSR 146 and [2009] VSC 627

Teparyl v Willis [2009] V Conv R 54-766

Brisconnections v Australian Style Investments (2009) 23 VR 253

Re Environinvest (2009) 69 ACSR 530

Mikhail v Zoumboulakis (2008) 30 VAR 364

Kinarra v On Q Group (2008) 65 ACSR 438

Royal Commissions

Crown Royal Commission (acted for CPH)

Banking Royal Commission (acted for ACCC)

PUBLICATIONS

Co-author of *Federal Court Practice* (2019 –)

Consulting editor of *Federal Court Reports* and *Federal Law Reports* (2016 –)

"Securities" (chapter 18.9) and "Consumer Finance" (Chapter 18.10), *Laws of Australia*

'Class divide: Different forms of scheme consideration' (2019) 37(2) *Companies & Securities Law Journal* 147

'No abuse of process in foreshadowing examinations' (2019) 31(1) *ARITA Journal* 25

‘Appeal court gives liquidators a serve for delaying to serve’ (2017) 29(3) ARITA Journal 26

‘Recent Developments: Treatment of costs of litigation in liquidation and bankruptcy’ (2014) 22(1) Insolvency Law Journal 35

‘Case and Comment: Jurisdictional discretion in defamation on the internet’ [2005] Lloyd’s Maritime and Commercial Law Quarterly 129

‘Jurisdiction Over Cross-Border Wrongs on the Internet’ (2005) 54(3) International and Comparative Law Quarterly 585

‘Conflict of laws issues in Australian financing transactions’ (2005) 16(3) Journal of Banking and Finance Law and Practice 227

‘Recent Developments: Are shareholders' claims provable in administration?’ (2005) 13(2) Insolvency Law Journal 115

‘Recent Developments: Voidable preference due to inactive secured creditor’ (2001) 9 Insolvency Law Journal 162

OTHER EXPERIENCE

Victorian Bar’s Practice Development Committee: Chair (2022 –)

Victorian Bar’s Continuing Professional Development Committee: Chair (2020 – 2021), Vice-chair (2018 – 2019), Member (2011 – 2017)

CommBar’s Insolvency Law Section: Chair (2020 –), Vice-Chair (2016-2019), Convenor (2011-2015)

CommBar’s Executive Committee: Member (2016 –)

Federal Court Users’ Group: Member (2019 –)

Lecturer, Corporate Insolvency, Monash Law School (2007 – 2011)

Regular presenter, Leo Cussen Institute; Legalwise Seminars; Melbourne Law School (project finance course)