

DR OREN BIGOS KC

BARRISTER

CURRICULUM VITAE



OVERVIEW

Dr Oren Bigos KC 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. 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. He has provided an opinion to a foreign court on Australian law.

Oren won the Supreme Court Prize at Monash University, and completed BCL, MPhil, and DPhil degrees at Oxford. Before coming to the Bar, he worked as the Associate to the Hon. Justice Finkelstein of the Federal Court, and as a solicitor at Mallesons and Freehills.

Oren 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

Cruickshank v ASIC [2022] HCASL 201

Giddings v TW Timber [2022] HCASL 200

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

Cruickshank v ASIC [2022] FCAFC 128
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

ACCC v Telstra, Optus and TPG [2022] FCA 1397, 1398, 1399
Re Japara Healthcare (2021) 156 ACSR 695
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

Smash v Euromark [2022] VSCA 267
TW Timber v Giddings [2022] VSCA 147
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 & 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 (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

Re Windsor Development [2022] VSC 742

Yimiao v Star Mining [2022] VSC 701

GLP Batesford v 68 Bridge Rd [2022] VSC 614

King v Linkage [2022] VSC 158

Euromark v Smash [2021] VSC 97

CPSU v UniSuper (2020) 64 VR 108

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

Victoria v CTM Training Solutions [2017] VSC 47

Victoria v Goulburn Administration Services (2016) 51 VR 685

Ten Boundary St v Ivanhoe Project [2016] VSC 755

UDP Holdings v Ironshore (2016) 51 VR 60

Re Primary Securities [2016] VSC 536

Timbercorp 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 v UDP [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

Queensland Supreme Court

HESTA v A-G [2022] QSC 221

Royal Commissions

Crown Royal Commission (acted for CPH)

Banking Royal Commission (acted for ACCC)

EDUCATION

Oxford University – BCL (Dist) (2003), MPhil (2004), DPhil (2007)

Menzies Scholarship (2002)

Monash University – BCom (1996), LLB (Hons) (1998)

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 –)

Australian Bar Association's Practice Development Committee: Member (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 – 2022)

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; civil regulatory litigation course)