

# **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, and 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), Chambers & Partners, Doyle’s Guide, and Who’s Who Legal.

Oren’s main practice areas include:

- Banking and Finance
- Class Actions
- Commercial Law
- Competition and Consumer Law
- Conflict of Laws (Private International Law)
- Corporations and Securities
- Equity and Trusts
- Insolvency and Reconstruction
- Insurance
- Regulatory (including White Collar Crime)

## **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**

*ASIC v Taylor* [2023] FCAFC 189

*Cruickshank v ASIC* (2022) 292 FCR 627

*Instagram v Dialogue* (2022) 291 FCR 155

*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 Honda* [2023] FCA 1602

*Re Amoma* [2023] FCA 1379

*Re Speedpanel* [2023] FCA 720; [2023] FCA 1290

*ASIC v Diversa Trustees* [2023] FCA 1267

*XY v CADB* (2022) 164 ACSR 37

*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) 391 ALR 418

*Re Walden Cloud* (2021) 149 ACSR 637

*ACCC v Bupa Aged Care* (2020) ATPR ¶42-681

*Dialogue Consulting v Instagram* (2020) 291 FCR 155

*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) 37 ACLC ¶19-007  
*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**

*68 Bridge Rd v GLP Batesford* [2023] VSCA 325  
*Patel v Sengun* [2023] VSCA 238

*Yimiao v Cyber Intelligence* [2023] VSCA 21  
*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**

*Iddles v Fonterra* [2023] VSC 566  
*Euromark v Smash* [2021] VSC 97, [2021] VSC 393 and [2023] VSC 490  
*Re Windsor Development* [2022] VSC 742  
*Yimiao v Star Mining* [2022] VSC 701  
*GLP Batesford v 68 Bridge Rd* (2022) 68 VR 171

*King v Linkage* [2022] VSC 158  
*CPSU v UniSuper* (2020) 64 VR 108  
*Re Pacific Biotechnologies* [2020] VSC 636  
*Baymill v Drewlock* [2019] VSC 827  
*Re AXF Group* (2019) 37 ACLC ¶19-057, (2019) 37 ACLC ¶19-067 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

## **New South Wales Supreme Court**

*Host-Plus v Maritime Super* [2023] NSWSC 725

## **Queensland Supreme Court**

*HESTA v A-G* (2022) 12 QR 144

## **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 (2014 – )

"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 – 2023)

Australian Bar Association’s Practice Development Committee: Member (2022 – 2023)

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)

Lecturer, Monash Law School (Commercial Equity, 2023), (Corporate Insolvency, 2007 – 2011)

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