

# PHILIP HOWARD SOLOMON

## CURRICULUM VITAE

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### Contact Details:

**Chambers**      Chancery Chambers  
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**Admitted to the legal profession:**      07 Apr 1993  
**Signed Victorian Bar Roll:**                22 May 1997  
**Appointed QC or SC:**                        25 Nov 2010  
**Qualifications:**                                B.Com, LL.B (Hons) (Melb), LLM (Cantab)

### Profile:

#### Areas of Practice

- Administrative Law (Judicial Review)
- Administrative Law (Merits Review)
- Commercial Law
- Common Law
- Corporations and Securities
- Equity/Trusts
- Insurance / Professional Negligence
- Taxation

Philip has extensive trial and appellate experience as an advocate, appearing mainly in the Supreme Court of Victoria; and also in the High Court of Australia and the Federal Court of Australia.

A selection of cases in which Philip has appeared, as leading Counsel, is as follows:

**A. Commercial law – selected Supreme Court appeal; and trial**

1. *Melbourne Water Corporation v Vaughan Constructions Pty Ltd* [2022] VSCA 241 (10 November 2022).
2. *Lanhai Pty Ltd v 7-Eleven Stores Pty Ltd* [2022] VSC 132 (22 March 2022).
3. *Cargill Australia Ltd v Viterra Malt Pty Ltd (No. 28)* [2022] VSC 13 (28 January 2022).
4. *Re HEST Australia Ltd* [2021] VSC 809 (7 December 2021).
5. *Willis v Crosland* [2021] VSCA 320 (23 November 2021).
6. *Saad v Commissioner of the Australian Federal Police (No. 2)* [2021] VSCA 263 (17 September 2021).
7. *Saad v Commissioner of the Australian Federal Police* [2021] VSCA 246 (3 September 2021).
8. *Amtcor Ltd v Barnes (No. 2)* [2021] VSCA 87 (8 April 2021).
9. *Amtcor Ltd v Barnes* [2021] VSCA 6 (2 February 2021).
10. *Hopkins v Edwards* [2020] VSC 456 (31 July 2020).
11. *Republica Democratica De Timor Leste v Lighthouse Corporation Limited* [2019] VSCA 290 (6 December 2019).
12. *PharmX Pty Ltd v FredIT Group (No. 3)* [2019] VSC 748 (21 November 2019).
13. *Timbercorp Finance Pty Ltd (in liq) v Tomes* [2019] VSC 519 (3 September 2019).
14. *Hawker v Powercor Australia Ltd* [2018] VSC 661 (2 November 2018).
15. *Uren v Uren* [2018] VSCA 141 (1 June 2018).
16. *McDonald v Dunscombe* [2018] VSC 283 (31 May 2018).
17. *White v Timbercorp Finance Pty Ltd* [2017] VSCA 361 (8 December 2017).
18. *Aurumstone Pty Ltd v Yarra Bank Developments Pty Ltd* [2017] VSC 503 (29 August 2017).
19. *The Presbyterian Church of Victoria Trusts Corporation v Anstee and Others (No. 2)* [2017] VSC 102 (7 April 2017).
20. *SSC Plenty Road Pty Ltd v Construction Engineering (Aust) Pty Ltd* [2016] VSCA 119 (26 May 2016).
21. *Eureka Operations v Viva Energy* [2016] VSCA 95 (10 May 2016).
22. *Cameron Australasia Pty Ltd v AED Oil Ltd* [2015] VSC 163 (1 May 2015).
23. *Moama Bowling Club Ltd v The Thomson Group Pty Ltd* [2014] VSCA 245 (3 October 2014).

24. *Macarthur Cook v APN Funds* [2013] VSCA 240 (26 September 2013).
25. *APN Funds v Australia Property* [2013] VSCA 239 (26 September 2013).
26. *Specialist Diagnostic Services v Healthscope* (2012) 41 VR 1.
27. *Victorian Alps Wine v All Saints Estate* (2012) 34 VR 397.
28. *RCL Kalynda Pty Ltd v Urbex Pty Ltd* [2011] VSC 650 (15 December 2011).
29. *Ausmezz Pty Ltd v. Goldberger and Others* [2011] VSC 640 (12 December 2011).

## **B. Supreme Court: Practice and Procedure**

1. *Cargill Australia Ltd v Viterra Malt Pty Ltd (No 32)* [2022] VSC 299 (8 June 2022).
2. *Cargill Australia Ltd v Viterra Malt Pty Ltd (No 31)* [2022] VSC 164 (4 April 2022).
3. *Cargill Australia Ltd v Viterra Malt Pty Ltd (No 30)* [2022] VSC 80 (25 February 2022).
4. *Lighthouse Corporation v Republica Democratica De Timor Leste* [2020] VSC 659 (9 October 2020).
5. *Cargill Australia Ltd v Viterra Malt Pty Ltd (No. 23)* (2019) 58 VR 611.
6. *Viterra Malt Pty Ltd v Cargill Australia Ltd* [2018] VSCA 118 (11 May 2018).
7. *Yara Pilbara Fertilisers Pty Ltd v Oswal* [2016] VSC 440 (3 August 2016)
8. *Oswal v Australia and New Zealand Banking Group Limited* [2016] VSC 282 (27 May 2016).
9. *Oswal v Australia and New Zealand Banking Group* [2016] VSC 119 (31 March 2016).
10. *The Oswal matters - application for security for costs* [2016] VSC 52 (24 February 2016).
11. *Pathway Investments v National Australia Bank* [2012] VSC 495 (15 October 2012).
12. *Re: Point of Pay Pty Ltd* [2012] VSC 380 (4 September 2012).
13. *Cocoon Data Holdings Pty Ltd v. K2M3 LLC* [2011] VSC 355 (29 July 2011).

## **C. Taxation**

1. *Living & Leisure Australia Ltd v Commissioner of State Revenue* [2018] VSCA 237 (17 September 2018).
2. *Commissioner of State Revenue v Danvest Pty Ltd* (2017) 55 VR 190.

3. *Telecommunications Industry Ombudsman Ltd v Commissioner of State Revenue* [2017] VSC 286 (1 June 2017).
4. *Vasiliades v Commissioner of State Revenue* [2016] VSC 544.
5. *BPG Caulfield Village Pty Ltd v Commissioner of State Revenue* [2016] VSC 172 (22 April 2016).
6. *ACN 005 057 349 Pty Ltd v Commissioner of State Revenue* [2015] VSCA 332 (8 December 2015).
7. *White Rock Properties v Commissioner of State Revenue* [2015] VSCA 77 (30 April 2015).
8. *Commissioner of State Revenue v Lend Lease Development Pty Ltd* (2014) 254 CLR 142.
9. *ACN 005 057 349 Pty Ltd v Commissioner of State Revenue* [2015] VSCA 332 (8 December 2015).
10. *LIV v Commissioner of State Revenue* [2015] VSC 604 (21 October 2015).
11. *White Rock Properties v Commissioner of State Revenue* [2015] VSCA 77 (30 April 2015).
12. *ACN 005 057 349 Pty Ltd v Commissioner of State Revenue* [2015] VSC 76 (6 March 2015).
13. *Commissioner of State Revenue v Lend Lease Development Pty Ltd* (2014) 254 CLR 142.
14. *CXC Consulting Pty Ltd v Commissioner of State Revenue* [2013] VSC 492.
15. *Summit Grain Investment Australia v Attorney-General for the State of Victoria* [2013] VSC 383 (9 August 2013).
16. *Commissioner of State Revenue v Liquid Rock Constructions* [2012] VSC 329 (7 August 2012).

**D. Constitutional and Administrative law (including ASIC / ACCC)**

1. *Environment East Gippsland Inc. v VicForests (No. 6)* [2023] VSC 60 (17 February 2023).
2. *Australian Securities and Investments Commission v GetSwift Limited* (Penalty Hearing) [2023] FCA 100 (16 February 2023).
3. *Environment East Gippsland Inc. v VicForests (No. 4)* [2022] VSC 668 (4 November 2022).
4. *Australian Securities and Investments Commission v Westpac Banking Corporation (Omnibus)* [2022] FCA 515 (22 April 2022).
5. *ASIC v Aware Financial Services Australia Ltd* [2022] FCA 146 (17 February 2022).

6. *ASIC v La Trobe Financial Asset Management Ltd* [2021] FCA 1417 (26 November 2021).
7. *Municipal Association of Victoria v Victorian WorkCover Authority* [2021] VSC 128 (19 March 2021).
8. *Garbett v Liu; Yates v Frydenberg* (2019) 273 FCR 1.
9. *Re Lambie* (2018) 263 CLR 601.
10. *Barnett v Malios* [2013] VSC 404 (8 August 2013).
11. *De Brett Seafood Pty Ltd v Qantas Airways Ltd (No 4)* [2011] FCA 1426 (13 December 2011).
12. *Australian Competition and Consumer Commission v. Willesee Healthcare (No. 2)* [2011] FCA 752.

#### **E. Common law - appeal**

1. *Shearer v iSelect Services Pty Ltd* [2021] VSCA 328 (1 December 2021).
2. *Victorian WorkCover Authority v Papaconstantinou* [2021] VSCA 145 (1 June 2021).
3. *Samaras v Transport Accident Commission* [2019] VSCA 255 (11 November 2019).
4. *Radosavljevic v Residential Commercial Industrial Roofing Pty Ltd* [2018] VSCA 337 (11 December 2018).
5. *DLZ v Transport Accident Commission* [2017] VSCA 134 (14 June 2017).
6. *Tuari v Transport Accident Commission* [2014] VSCA 203 (3 September 2014).
7. *Moama Bowling Club Pty Ltd v The Thomson Group Pty Ltd* [2014] VSCA 245 (3 October 2014).
8. *Transport Accident Commission v Hogan* (2013) 41 VR 1.
9. *Bezzina v Phi* [2012] VSCA 161 (24 July 2012).
10. *Transport Accident Commission v Kymantas* (2012) 36 VR 193.
11. *Doughty v. Martino Developments* (2010) 27 VR 499.
12. *Victorian Workcover Authority v. Hartley* (2010) 27 VR 116.

Prior to coming to the Bar, Philip was a solicitor at Arthur Robinson & Hedderwicks.

**Education:**

Queens' College, University of Cambridge

Awarded Master of Law Degree in 1994, with **First Class Honours**.

Subjects studied:

Corporations and securities law	H1
International commercial litigation	H1
Restitution and remedies	H1
Administrative law	H2.1

- Fellow of the Cambridge Commonwealth Trust
- Queens' College – Foundation Scholar

University of Melbourne

Awarded Bachelor of Laws Degree in 1991, with **First Class Honours**.

- Mallesons Stephen Jaques Exhibition for **Litigation**, 1991
- Butterworths Book Prize for **Credit and Security Law**, 1991
- Arthur Phillips and Just Exhibition for **Company Law**, 1990
- Sir George John Turner Exhibition for **Legal Process**, 1987