

# 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
- Trade Practices

Philip has extensive trial and appellate experience as an advocate, appearing most often 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, within his Areas of Practice, is as follows:

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

1. *Cargill Australia Ltd v Viterro Malt Pty Ltd (No. 28)* [2022] VSC 13 (28 January 2022).
2. *Re HEST Australia Ltd* [2021] VSC 809 (7 December 2021).
3. *Willis v Crosland* [2021] VSCA 320 (23 November 2021).
4. *Saad v Commissioner of the Australian Federal Police (No. 2)* [2021] VSCA 263 (17 September 2021).
5. *Saad v Commissioner of the Australian Federal Police* [2021] VSCA 246 (3 September 2021).
6. *Amtcor Ltd v Barnes (No. 2)* [2021] VSCA 87 (8 April 2021).
7. *Amtcor Ltd v Barnes* [2021] VSCA 6 (2 February 2021).
8. *Hopkins v Edwards* [2020] VSC 456 (31 July 2020).
9. *Republica Democratica De Timor Leste v Lighthouse Corporation Limited* [2019] VSCA 290 (6 December 2019).
10. *PharmX Pty Ltd v FredIT Group (No. 3)* [2019] VSC 748 (21 November 2019).
11. *Timbercorp Finance Pty Ltd (in liq) v Tomes* [2019] VSC 519 (3 September 2019).
12. *Hawker v Powercor Australia Ltd* [2018] VSC 661 (2 November 2018).
13. *Uren v Uren* [2018] VSCA 141 (1 June 2018).
14. *McDonald v Dunscombe* [2018] VSC 283 (31 May 2018).
15. *White v Timbercorp Finance Pty Ltd* [2017] VSCA 361 (8 December 2017).
16. *Aurumstone Pty Ltd v Yarra Bank Developments Pty Ltd* [2017] VSC 503 (29 August 2017).
17. *The Presbyterian Church of Victoria Trusts Corporation v Anstee and Others (No. 2)* [2017] VSC 102 (7 April 2017).
18. *SSC Plenty Road Pty Ltd v Construction Engineering (Aust) Pty Ltd* [2016] VSCA 119 (26 May 2016).
19. *Eureka Operations v Viva Energy* [2016] VSCA 95 (10 May 2016).
20. *Cameron Australasia Pty Ltd v AED Oil Ltd* [2015] VSC 163 (1 May 2015).
21. *Moama Bowling Club Ltd v The Thomson Group Pty Ltd* [2014] VSCA 245 (3 October 2014).
22. *Macarthur Cook v APN Funds* [2013] VSCA 240 (26 September 2013).

23. *APN Funds v Australia Property* [2013] VSCA 239 (26 September 2013).
24. *Specialist Diagnostic Services v Healthscope* (2012) 41 VR 1.
25. *Victorian Alps Wine v All Saints Estate* (2012) 34 VR 397.
26. *RCL Kalynda Pty Ltd v Urbex Pty Ltd* [2011] VSC 650 (15 December 2011).
27. *Ausmezz Pty Ltd v. Goldberger and Others* [2011] VSC 640 (12 December 2011).
28. *Eshuys v. St Barbara Ltd* [2011] VSC 125 (6 April 2011).
29. *Peet Ltd v. Richmond* (2011) 33 VR 465.
30. *Peet Ltd v Richmond (No. 1)* [2009] VSC 158 (6 April 2009).
31. *Golf Australia Holdings Ltd v. Buxton Construction* [2007] VSCA 200 (20 September 2007).
32. *Buxton Construction Pty Ltd v Golf Australia Holdings Ltd* [2007] VSC 10 (15 February 2007).
33. *Meridian Retail v. Australian Unity Retail Network Pty Ltd* [2006] VSC 223 (21 June 2006).
34. *Australian Securities and Investments Commission v. MYOB* (2002) 41 ACSR 44.
35. *Leibler v. Air New Zealand* [1999] 1 VR 1; and [1998] 2 VR 525.
36. *Australian Football League v. Williams* [1998] 2 VR 546.

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

1. *Cargill Australia v Viterra Malt Pty Ltd (No 30)* [2022] VSC 80 (25 February 2022).
2. *Lighthouse Corporation v Republica Democratica De Timor Leste* [2020] VSC 659 (9 October 2020).
3. *Cargill Australia Ltd v Viterra Malt Pty Ltd (No. 23)* (2019) 58 VR 611.
4. *Viterra Malt Pty Ltd v Cargill Australia Ltd* [2018] VSCA 118 (11 May 2018).
5. *Yara Pilbara Fertilisers Pty Ltd v Oswal* [2016] VSC 440 (3 August 2016)
6. *Oswal v Australia and New Zealand Banking Group Limited* [2016] VSC 282 (27 May 2016).
7. *Oswal v Australia and New Zealand Banking Group* [2016] VSC 119 (31 March 2016).
8. *The Oswal matters - application for security for costs* [2016] VSC 52 (24 February 2016).

9. *Pathway Investments v National Australia Bank* [2012] VSC 495 (15 October 2012).
10. *Re: Point of Pay Pty Ltd* [2012] VSC 380 (4 September 2012).
11. *Cocoon Data Holdings Pty Ltd v. K2M3 LLC* [2011] VSC 355 (29 July 2011).
12. *Astbury v. Wood* (2009) 23 VR 302.
13. *Eastern Australia Airlines v McLennan* [2009] VSCA 293 (11 December 2009).
14. *Gangemi v Osborne* [2008] VSCA 221 (6 November 2008).
15. *Victorian Teachers Credit Union v. KPMG* (2000) 1 VR 654.

### **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).
17. *Australian Property Custodian Holdings v Commissioner of State Revenue* [2008] VSC 429 (24 October 2008).
18. *Harry One Pty Ltd v. Commissioner of State Revenue* [2007] VSC 13 (14 February 2007).
19. *Commissioner of State Revenue v. Royal and Sun Alliance* (2003) 54 ATR 339.
20. *Arjon Pty Ltd v. Commissioner of State Revenue* (2003) 8 VR 502.
21. *Royal and Sun Alliance v. Commissioner of State Revenue* (2002) 50 ATR 476.
22. *Rio Tinto v. Commissioner of State Revenue* (2000) 1 VR 108.
23. *Australian Hospital Care v. Commissioner of Taxation of Commonwealth of Australia* (2000) 105 FCR 20.
24. *Yates v. Deputy Commissioner of Taxation* (2000) 101 FCR 543.
25. *Commissioner of State Revenue v. Famajohn Nominees* (1999) 43 ATR 29; and (1999) 43 ATR 38.

#### **D. Constitutional and Administrative law**

1. *Municipal Association of Victoria v Victorian WorkCover Authority* [2021] VSC 128 (19 March 2021).
2. *Garbett v Liu; Yates v Frydenberg* (2019) 273 FCR 1.
3. *Re Lambie* (2018) 263 CLR 601.
4. *Barnett v Malios* [2013] VSC 404 (8 August 2013).
5. *Roy Morgan Research Pty Ltd v. Commission of Taxation* (2010) 184 FCR 448.
6. *Treacy v. Newlands* [2008] VSC 395 (2 October 2008).
7. *Cladingboel v. Newcrest Mining Limited* [2007] VSC 345 (17 September 2007).
8. *Sweedman v. Transport Accident Commission* (2006) 226 CLR 362.
9. *Transport Accident Commission v. Sweedman* (2004) 10 VR 31.
10. *May v. Deputy Commissioner of Taxation* (1999) 92 FCR 152.
11. *May v. Deputy Commissioner of Taxation* (1998) 40 ATR 131.

#### **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.
13. *Azzopardi Haulage Pty Ltd v. Azzopardi* (2008) 21 VR 211.
14. *Alcoa Portland Aluminium v. Victorian WorkCover Authority* (2007) 18 VR 146.
15. *Ucar v. Nylex Industrial Products Pty Ltd* (2007) 17 VR 492.
16. *Mutual Cleaning v. Stamboulakis* (2007) 15 VR 649.
17. *Barwon Spinners Pty Ltd v. Podolak* (2005) 14 VR 622.
18. *Lafranchi v. Transport Accident Commission* (2005) 14 VR 359.
19. *Transport Accident Commission v. Murray* (2005) 12 VR 314.
20. *Paget v. JLT Workers Compensation Services Pty Ltd* (2005) 12 VR 692.
21. *Andar Transport v. Brambles Limited* (2004) 217 CLR 424.
22. *Victorian Workcover Authority v. Del Borgo* (2004) 9 VR 470.
23. *Wilson v. State of Victoria* (2004) 10 VR 361.
24. *Transport Accident Commission v. Lincoln* (2003) 6 VR 199.
25. *Lavrack v. Lease Auto* (2002) 192 ALR 290.
26. *Lavrack v. Lease Auto* (2002) 125 FCR 399.
27. *Richards v. Wylie* (2000) 1 VR 79.
28. *Transport Accident Commission v. O'Reilly* [1999] 2 VR 436.
29. *Swannell v. Farmer* [1999] 1 VR 299.

30. *Ball v. Transport Accident Commission* [1999] 1 VR 64.
31. *Mobilio v. Balliotis* [1998] 3 VR 833.

#### **F. ASIC and ACCC**

1. *ASIC v Aware Financial Services Australia Ltd* [2022] FCA 146 (17 February 2022).
2. *ASIC v La Trobe Financial Asset Management Ltd* [2021] FCA 1417 (26 November 2021).
3. *De Brett Seafood Pty Ltd v Qantas Airways Ltd (No 4)* [2011] FCA 1426 (13 December 2011).
4. *Australian Competition and Consumer Commission v. Willesee Healthcare (No. 2)* [2011] FCA 752.
5. *Jarra Creek Central Packing Shed Pty Ltd v. Amcor Ltd* [2006] FCA 1802 (21 December 2006).
6. *Australian Competition & Consumer Commission v. Visy Industries* [2006] FCA 136 (23 February 2006).
7. *ACCC v. Leahy Petroleum (No. 3)* (2005) 215 ALR 301.

#### **G. Insurance**

1. *Australian Pipe & Tube v QBE Insurance (Australia) Ltd (No. 2)* [2018] FCA 1450 (21 September 2018).
2. *Tropical Reef Shipyard Pty Ltd v. QBE Insurance (Australia) Ltd* [2011] FCAFC 141 (15 November 2011).
3. *Aussie Tax v. Markel Capital Limited* [2008] VSC 592 (18 December 2008).
4. *Gunns Forest Products Ltd v. North Insurances Pty Ltd* [2006] VSCA 105 (10 May 2006).
5. *Gunns Forest Products Pty Ltd v. North Insurances Pty Ltd* [2004] VSC 155 (7 May 2004).

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