

PHILIP HOWARD SOLOMON

CURRICULUM VITAE

Contact Details:

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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 (including Victorian Workcover Authority and Transport Accident Commission)
- 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. *White v Timbercorp Finance Pty Ltd* [2017] VSCA 361 (8 December 2017).
2. *Aurumstone Pty Ltd v Yarra Bank Developments Pty Ltd* [2017] VSC 503 (29 August 2017).
3. *The Presbyterian Church of Victoria Trusts Corporation v Anstee and Others (No. 2)* [2017] VSC 102 (7 April 2017).
4. *SSC Plenty Road Pty Ltd v Construction Engineering (Aust) Pty Ltd* [2016] VSCA 119 (26 May 2016).
5. *Eureka Operations v Viva Energy* [2016] VSCA 95 (10 May 2016).
6. *Commissioner of State Revenue v Aidlaw Pty Ltd (No. 5)* [2013] VSC 32 (12 February 2013).
7. *Macarthur Cook v APN Funds* [2013] VSCA 240 (26 September 2013).
8. *APN Funds v Australia Property* [2013] VSCA 239 (26 September 2013).
9. *MP Investments Nominees Pty Ltd v Bank of Western Australia* [2012] VSC 43 (6 March 2012).
10. *Specialist Diagnostic Services v Healthscope* (2012) 41 VR 1.
11. *Victorian Alps Wine v All Saints Estate* (2012) 34 VR 397.
12. *RCL Kalynda Pty Ltd v Urbex Pty Ltd* [2011] VSC 650 (15 December 2011).
13. *Ausmezz Pty Ltd v. Goldberger and Others* [2011] VSC 640 (12 December 2011).
14. *Eshuys v. St Barbara Ltd* [2011] VSC 125 (6 April 2011).
15. *Peet Ltd v. Richmond* (2011) 33 VR 465.
16. *Elmomax v. Russell Kennedy (a firm)* [2009] VSC 615 (23 December 2009).
17. *Peet Ltd v Richmond (No. 1)* [2009] VSC 158 (6 April 2009).
18. *Howard v Pilkington (Australia) Ltd* [2008] VSC 491 (20 November 2008).
19. *Bloomingdale Holdings Pty Ltd v. 63 Buckley Street Pty Ltd* [2008] VSC 168 (22 May 2008).
20. *Golf Australia Holdings Ltd v. Buxton Construction* [2007] VSCA 200 (20 September 2007).
21. *Buxton Construction Pty Ltd v Golf Australia Holdings Ltd* [2007] VSC 10 (15 February 2007).
22. *Meridian Retail v. Australian Unity Retail Network Pty Ltd* [2006] VSC 223 (21 June 2006).

23. *XCB Pty Ltd v. Creative Brands* [2005] VSC 424 (26 October 2005).
24. *Australian Securities and Investments Commission v. MYOB* (2002) 41 ACSR 44.
25. *Leibler v. Air New Zealand* [1999] 1 VR 1; and [1998] 2 VR 525.
26. *Australian Football League v. Williams* [1998] 2 VR 546.

B. Supreme Court: Practice and Procedure

1. *Yara Pilbara Fertilisers Pty Ltd v Oswal* [2016] VSC 440 (3 August 2016)
2. *Oswal v Australia and New Zealand Banking Group Limited* [2016] VSC 282 (27 May 2016).
3. *Oswal v Australia and New Zealand Banking Group* [2016] VSC 119 (31 March 2016).
4. *The Oswal matters - application for security for costs* [2016] VSC 52 (24 February 2016).
5. *Pathway Investments v National Australia Bank* [2012] VSC 495 (15 October 2012).
6. *Re: Point of Pay Pty Ltd* [2012] VSC 380 (4 September 2012).
7. *Cocoon Data Holdings Pty Ltd v. K2M3 LLC* [2011] VSC 355 (29 July 2011).
8. *Astbury v. Wood* (2009) 23 VR 302.
9. *Eastern Australia Airlines v McLennan* [2009] VSCA 293 (11 December 2009).
10. *Gangemi v Osborne* [2008] VSCA 221 (6 November 2008).
11. *Harry One Pty Ltd v. Commissioner of State Revenue* [2007] VSCA 73 (30 March 2007).
12. *Commonwealth Bank of Australia v. White (No. 1) / (No. 2)* [2004] VSC 267/268 (6 August 2004).
13. *Linfox Transport v. Toohey* [2004] VSCA 122 (11 June 2004).
14. *Victorian Teachers Credit Union v. KPMG* (2000) 1 VR 654.

C. Taxation

1. *Telecommunications Industry Ombudsman Ltd v Commissioner of State Revenue* [2017] VSC 286 (1 June 2017).
2. *Vasiliades v Commissioner of State Revenue* [2016] VSC 544.
3. *BPG Caulfield Village Pty Ltd v Commissioner of State Revenue* [2016] VSC 172 (22 April 2016).

4. *ACN 005 057 349 Pty Ltd v Commissioner of State Revenue* [2015] VSCA 332 (8 December 2015).
5. *White Rock Properties v Commissioner of State Revenue* [2015] VSCA 77 (30 April 2015).
6. *Commissioner of State Revenue v Lend Lease Development Pty Ltd* (2014) 254 CLR 142.
7. *ACN 005 057 349 Pty Ltd v Commissioner of State Revenue* [2015] VSCA 332 (8 December 2015).
8. *LIV v Commissioner of State Revenue* [2015] VSC 604 (21 October 2015).
9. *White Rock Properties v Commissioner of State Revenue* [2015] VSCA 77 (30 April 2015).
10. *ACN 005 057 349 Pty Ltd v Commissioner of State Revenue* [2015] VSC 76 (6 March 2015).
11. *Commissioner of State Revenue v Lend Lease Development Pty Ltd* (2014) 254 CLR 142.
12. *CXC Consulting Pty Ltd v Commissioner of State Revenue* [2013] VSC 492.
13. *Summit Grain Investment Australia v Attorney-General for the State of Victoria* [2013] VSC 383 (9 August 2013).
14. *Commissioner of State Revenue v Liquid Rock Constructions* [2012] VSC 329 (7 August 2012).
15. *Australian Property Custodian Holdings v Commissioner of State Revenue* [2008] VSC 429 (24 October 2008).
16. *Harry One Pty Ltd v. Commissioner of State Revenue* [2007] VSC 13 (14 February 2007).
17. *Commissioner of State Revenue v. Royal and Sun Alliance* (2003) 54 ATR 339.
18. *Arjon Pty Ltd v. Commissioner of State Revenue* (2003) 8 VR 502.
19. *Royal and Sun Alliance v. Commissioner of State Revenue* (2002) 50 ATR 476.
20. *Rio Tinto v. Commissioner of State Revenue* (2000) 1 VR 108.
21. *Australian Hospital Care v. Commissioner of Taxation of Commonwealth of Australia* (2000) 105 FCR 20.
22. *Yates v. Deputy Commissioner of Taxation* (2000) 101 FCR 543.
23. *Commissioner of State Revenue v. Famajohn Nominees* (1999) 43 ATR 29; and (1999) 43 ATR 38.

D. Administrative law

1. *Barnett v Malios* [2013] VSC 404 (8 August 2013).
2. *Roy Morgan Research Pty Ltd v. Commission of Taxation* (2010) 184 FCR 448.
3. *Treacy v. Newlands* [2008] VSC 395 (2 October 2008).
4. *Cladingboel v. Newcrest Mining Limited* [2007] VSC 345 (17 September 2007).
5. *Sweedman v. Transport Accident Commission* (2006) 226 CLR 362.
6. *Transport Accident Commission v. Sweedman* (2004) 10 VR 31.
7. *May v. Deputy Commissioner of Taxation* (1999) 92 FCR 152.
8. *May v. Deputy Commissioner of Taxation* (1998) 40 ATR 131.

E. Common law - appeal

1. *Moama Bowling Club Pty Ltd v The Thomson Group Pty Ltd* [2014] VSCA 245 (3 October 2014).
2. *Transport Accident Commission v Hogan* (2013) 41 VR 1.
3. *Bezzina v Phi* [2012] VSCA 161 (24 July 2012).
4. *Transport Accident Commission v Kymantas* (2012) 36 VR 193.
5. *Doughty v. Martino Developments* (2010) 27 VR 499.
6. *Victorian Workcover Authority v. Hartley* (2010) 27 VR 116.
7. *Azzopardi Haulage Pty Ltd v. Azzopardi* (2008) 21 VR 211.
8. *Alcoa Portland Aluminium v. Victorian WorkCover Authority* (2007) 18 VR 146.
9. *Ucar v. Nylex Industrial Products Pty Ltd* (2007) 17 VR 492.
10. *Mutual Cleaning v. Stamboulakis* (2007) 15 VR 649.
11. *Barwon Spinners Pty Ltd v. Podolak* (2005) 14 VR 622.
12. *Lafranchi v. Transport Accident Commission* (2005) 14 VR 359.
13. *Transport Accident Commission v. Murray* (2005) 12 VR 314.
14. *Paget v. JLT Workers Compensation Services Pty Ltd* (2005) 12 VR 692.
15. *Andar Transport v. Brambles Limited* (2004) 217 CLR 424.
16. *Victorian Workcover Authority v. Del Borgo* (2004) 9 VR 470.
17. *Wilson v. State of Victoria* (2004) 10 VR 361.
18. *Transport Accident Commission v. Lincoln* (2003) 6 VR 199.

19. *Lavrick v. Lease Auto* (2002) 192 ALR 290.
20. *Lavrick v. Lease Auto* (2002) 125 FCR 399.
21. *Richards v. Wylie* (2000) 1 VR 79.
22. *Transport Accident Commission v. O'Reilly* [1999] 2 VR 436.
23. *Swannell v. Farmer* [1999] 1 VR 299.
24. *Ball v. Transport Accident Commission* [1999] 1 VR 64.
25. *Mobilio v. Balliotis* [1998] 3 VR 833.

F. Trade Practices Act

1. *De Brett Seafood Pty Ltd v Qantas Airways Ltd (No 4)* [2011] FCA 1426 (13 December 2011).
2. *Australian Competition and Consumer Commission v. Willesee Healthcare (No. 2)* [2011] FCA 752.
3. *Jarra Creek Central Packing Shed Pty Ltd v. Amcor Ltd* [2006] FCA 1802 (21 December 2006).
4. *Australian Competition & Consumer Commission v. Visy Industries* [2006] FCA 136 (23 February 2006).
5. *ACCC v. Leahy Petroleum (No. 3)* (2005) 215 ALR 301.

G. Insurance

1. *Tropical Reef Shipyard Pty Ltd v. QBE Insurance (Australia) Ltd* [2011] FCAFC 141 (15 November 2011).
2. *Aussie Tax v. Markel Capital Limited* [2008] VSC 592 (18 December 2008).
3. *Gunns Forest Products Ltd v. North Insurances Pty Ltd* [2006] VSCA 105 (10 May 2006).
4. *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

Bar Committee Memberships

- Supreme Court – Commercial Court Users Group

Non Bar Committee Memberships

- Melbourne Grammar School – School Council
- Melbourne Grammar School – Foundation Board

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