

Victoria Brigden

Barrister

Eighth Floor Selborne Chambers - 8/ 174 Phillip Street, Sydney NSW 2000

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Professional Experience

Barrister, NSW Bar

May 2010 to date

- Broad commercial and equity practice, with a particular interest in competition and trade practices, employment and restraint of trade, banking and mining-related disputes.

General commercial and equity matters:

- *Boyd v Thorn* [2017] NSWCA 210 (led by A J McInerney SC) – issue estoppel, property law, orders under s66G *Conveyancing Act 1919* (NSW)
- *Boulay Pty Ltd v The Trust Company Ltd* [2017] NSWSC 222 (led by I M Jackman SC) – contractual interpretation of a rent review clause in a commercial lease
- *Broken Hill Minerals Pty Ltd v Relentless Resources Limited* Supreme Court of New South Wales proceedings regarding alleged breaches of a joint venture agreement (2017), New South Wales Supreme Court, (led by I M Jackman SC and later J Stoljar SC and J Duncan for the plaintiff) – matter settled prior to final hearing
- *Thorn v Boyd* [2016] NSWSC 1344 (unled) – declaration of constructive trust and equitable charge and orders under s66G *Conveyancing Act 1919* (NSW)
- *Boyd v Thorn* [2016] NSWSC 837 (unled) – summary dismissal of proceedings involving a claim for fraud
- *Boyd v Thorn* [2016] NSWSC 588 (unled) – application to set aside orders
- *CMB Advisory Pty Ltd v Unleashed Software Limited* (2015), District Court of New South Wales (unled) – application for summary judgment
- *Capogreco & ors v Rogerson & anor* [2015] NSWSC 1371 (unled) – contract, tort of conversion
- *Dickman v Holley; Estate of Simpson* [2013] NSWSC 18 (led by IE Davidson SC) – probate, undue influence
- *Motor Vehicles Insurance Limited v Woodlawn Capital Pty Limited*, 2012 (led by S Rushton SC) – Supreme Court of New South Wales proceedings regarding alleged breaches of contract
- *Chan v Harris (No. 2)* [2010] FCA 1393 (unled) – preliminary discovery
- *AvSuper Pty Ltd v Commonwealth Managed Investments Limited* (2010) 81 ACSR 218; [2010] NSWSC 1499 (led by I M Jackman SC) – interpretation of constitution of managed investment scheme

Competition and trade practices:

- Currently briefed in competition and trade practices matters in the Federal Court of Australia on behalf of the Australian Competition and Consumer Commission.

- Acted on behalf of the ACCC in the *ACCC v SensaSlim Australia Pty Ltd (in liquidation)* proceedings, led by K Morgan, including as to Mr Foster's application for leave to appeal.
- Briefed by the ACCC on a variety of matters at the investigatory/ pre-trial stage.

Employment and restraints of trade:

- Regularly briefed in employment matters including those concerning restraint of trade clauses, adverse action and actions brought by the Fair Work Ombudsman in relation to underpayment, record-keeping and sham contracting contraventions of the Fair Work Act. Appearances include:
 - *Fair Work Ombudsman v No Land Tax Incorporated & anor* [2017] FCCA 2471 (unled) – civil penalty hearing
 - *Fair Work Ombudsman v Waterfall Feedlot Pty Ltd* [2017] FCCA 879 (unled) – civil penalty hearing
 - *Fair Work Ombudsman v Global Express Consultancy Pty Ltd & anor* [2016] FCCA 2446 (unled) – civil penalty hearing
 - *Fair Work Ombudsman v I Luv Pty Ltd & ors* – (unled), Federal Circuit Court civil penalty hearing, 22 September 2016, ex tempore judgment
 - *Andrews Advertising Pty Ltd v David Andrews & ors* (2014) 99 ACSR 164; [2014] NSWSC 318 (led by I M Jackman SC) – breach of contract, restraint of trade in employment, breach of fiduciary duties, breach of ss182-183 of the Corporations Act
 - *Andrews Advertising Pty Ltd v David Andrews & ors* [2011] NSWSC 244 (led by I M Jackman SC) – preliminary discovery application
 - *BlackRock Asset Management Australia Services Limited v Waked* [2011] FCA 272 and *BlackRock Asset Management Australia Services Limited v Waked (No 2)* [2011] FCA 479 (led by I M Jackman SC) – interlocutory disputes in the context of proceedings for breach of contract, enforcement of restraint of trade clauses in employment agreements and breaches of fiduciary duties - matter settled before final hearing
 - *Hanna v OAMPS Insurance Brokers Ltd* (2010) 202 IR 420; [2010] NSWCA 267 (led by A Moses SC and Y Shariff) – restraint of trade in employment
 - *OAMPS Insurance Brokers Ltd v Hanna* [2010] NSWSC 781 (led by A Moses SC) – restraint of trade in employment

Banking:

- Briefed to advise and appear on behalf of banks in relation to various matters arising out of banking practices, including on behalf of employees of banks in respect of investigations by regulatory bodies. Appearances include:
 - *Spiliotopoulos v National Australia Bank Limited & ors* [2017] NSWSC 971 (unled) – summary dismissal of proceedings brought against the National Australia Bank and other parties regarding an alleged forged mortgage
 - *Foster v Commonwealth Bank of Australia & ors* [2013] NSWSC 598 (unled) – referral for legal assistance
 - *Foster v Commonwealth Bank of Australia & ors* (15 December 2011, Supreme Court of NSW, 11/272560, Nicholas J) (unled) – summary dismissal application in proceedings for negligence, breach of s12CB(1) of ASIC Act, breaches of Uniform Consumer Credit Code and Code of Banking Practice

Administrative Law:

- Appeared unled on behalf of Greyhound Racing New South Wales in three appeals brought by greyhound owners against suspension of their greyhounds before the Racing Appeals Tribunal in 2015
- Appeared for Coalpac Pty Ltd, led by MJ Leeming SC, in judicial review proceedings under the *Environmental Planning and Assessment Act 1979* (NSW): *Coalpac Pty Ltd v Minister for Planning and Infrastructure & Planning Assessment Commission of New South Wales* [2013] NSWLEC 52 (led by MJ Leeming SC) – Matter settled prior to final hearing
- *Gold & Copper Resources Pty Ltd v The Hon Chris Hartcher MP & Newcrest Mining Limited*, 2012, NSW Land and Environment Court – various unled interlocutory applications in the context of judicial review proceedings concerning a determination under the *Mining Act 1992* (NSW)
- *Moolarben Coal Mines Pty Ltd v Director-General of the (former) Dept of Industry and Investment New South Wales (Agriculture Division) & Ulan Coal Mines* [2011] NSWLEC 191 (led by MJ Leeming SC) – judicial review proceedings concerning a determination made under the *Mining Act 1992* (NSW)
- *Moolarben Coal Mines Pty Ltd v Director-General of the (former) Dept of Industry and Investment New South Wales (Agriculture Division) & Ulan Coal Mines* [2011] NSWLEC 231 (unled) – costs
- *Lester v Ashton Coal Mining Operations Pty Ltd (No 2)* [2011] NSWLEC 177 (led by A Galasso SC) – practice and procedure (access orders)
- *Olofsson v Minister for Primary Industries & ors (No 2)* [2011] NSWLEC 181 (led by M Leeming SC) – proceedings for declarations – statutory interpretation of the *Mining Act 1992* (NSW), the *Commons Management Act 1989* (NSW) and the *Crown Lands Act 1989* (NSW)

Other matters:

- Appeared for three officers of the Catholic Archdiocese of Sydney in the Ellis Case Study in the Royal Commission into Institutional Responses to Child Sexual Abuse in 2014, led by A P Whitlam QC

Solicitor, Corrs Chambers Westgarth

Feb 2006 – Apr 2010

Practice in general commercial litigation, with a particular focus on competition and trade practices, including proceedings for the ACCC, class actions and employment matters.

Education

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| Master of Laws, University of Sydney | 2012 |
| Bachelor of Laws (Hons), University of Technology, Sydney | 2005 |
| Bachelor of Arts in Communications (Journalism) University of Technology, Sydney | 2005 |

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