

# ~ BENJAMIN GOODYEAR ~

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## OVERVIEW

Prior to joining the Bar in mid-2019, Benjamin was a Senior Associate in the Dispute Resolution group of King & Wood Mallesons in Sydney, where he gained experience in a range of commercial litigation and regulatory work. Details of this experience, and of his prior work in domestic and cross-border insolvency, are below.

During his Bachelor of Laws and Legal Practice, Benjamin graduated first in his year with 17 awards, including a University Medal. He also holds a Bachelor of Civil Law from the University of Oxford. Following his admission in 2012, he served as the Associate to the Honourable Justice Lander of the Federal Court of Australia.

After graduating Dux of his College and prior to turning to the law, Benjamin completed a Bachelor of Science (majoring in Theoretical Physics), a Graduate Diploma in Applied Finance and Investment, and a Graduate Diploma in Property.

During his Reader year, Benjamin is reading with Victoria Brigden (Eighth Floor Selborne) and Imtiaz Ahmed (Sixth Floor Selborne Wentworth).

## AREAS OF PRACTICE

Benjamin welcomes briefs in a broad range of areas, including:

- Appellate work
- Banking & financial services
- Bankruptcy
- Class actions
- Commissions of inquiry
- Competition and consumer law
- Conflict of laws
- Contractual disputes
- Corporations law
- Defamation
- Equity
- Family provision claims
- General commercial litigation
- Inquests
- Insolvency (including cross-border)
- Insurance
- Professional negligence
- Property
- Regulatory investigations
- Schemes of arrangement
- Special leave applications
- Succession (Wills & Estates)
- Torts
- Trusts

## EXPERIENCE AS A SOLICITOR

**King & Wood Mallesons** (July 2015 to August 2016; August 2017 to February 2019)

### *Selected matters*

- *In the matter of Asciano Limited* [2015] NSWSC 1548 & [2015] NSWSC 1651 – representing the acquired party in a scheme of arrangement under the *Corporations Act*.
- *TZI 1 Pty Ltd (ACN 076 905 550) as trustee for Australian Container Freight Services Trust & ors v Patrick Container Ports Pty Limited (ACN 009 762 985) & ors* (NSWSC-2016/147801) – defending allegations of breach of contract, and of the tort of inducing breach of contract.
- *Caltex Australia Petroleum Pty Ltd v CCS Česká společnost pro platební karty s.r.o. trading as FleetCor & anor* (NSWSC 2016/109638) – defending allegations of breach of contract (regarding software as a service).
- *De Lage Landen Pty Ltd v Philip Connard Harmer & ors* (NSWSC 2015/274438) – defending allegations of negligence and misrepresentations in respect of the manufacture of grain harvesters, leading to mediation.
- *In the matter of Aspen Group Limited* [2015] NSWSC 1718 – complex schemes of arrangement under the *Corporations Act*, and judicial advice under the *Trustee Act*.
- Advising an overseas manufacturer in respect of a consumer class action, involving claims under the *Trade Practices Act* and *Australian Consumer Law*.
- Acting for two shareholder individuals in an unlisted private company – asserting allegations of insider trading; breach of fiduciary duty; and misleading and deceptive conduct, leading to mediation.

- Advising a food exporter on its proposed restructure by schemes of arrangement under the *Corporations Act*, and related disputes with a joint venture partner.
- Advising a beverage producer on its proposed restructure and amalgamation by schemes of arrangement under the *Corporations Act*.
- Advising an Australian fund manager with respect to a dispute referred to the Financial Ombudsman Service (now the Australian Financial Complaints Authority).
- Advising a logistics entity regarding its obligations under leasing arrangements concerning critical waterfront land.
- Advising one of the Big Four banks in relation to reverse-mortgage lending and obligations under the *National Consumer Credit Protection Act*, and in respect of notices for production issued by ASIC.
- Advising one of the Big Four banks in relation to its obligations under the *Anti-Money Laundering and Counter-Terrorism Financing Act*, and in respect of notices for production issued by AUSTRAC.
- Advising one of the Big Four auditors in respect of legal professional privilege claims and accountants' concession claims, in respect of notices for production issued by the ATO.
- Advising an insurer during the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

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**Henry Davis York** (July 2013 to June 2015)

***Selected matters***

- *Anglican Development Fund Diocese of Bathurst in its own capacity and in its capacity as trustee of the Anglican Development Fund Diocese of Bathurst (receivers and managers appointed) v The Right Reverend Ian Palmer, Bishop of The Diocese of Bathurst* [2015] NSWSC 1856 – acting for the receivers in complex debt recovery actions against unincorporated religious and charitable organisations and their “officers”, with issues concerning the enforceability of letters of comfort; breaches of statutory duties; the law of agency; and a creditor’s ability to access charitable trust property.
- *Akers v Deputy Commissioner of Taxation* (2014) 223 FCR 8 – Australia's first appellate court proceeding concerning the *Cross-Border Insolvency Act*, being an application for remittal of Australian assets to the foreign main proceeding, against opposition from the ATO.
- *Akers v Deputy Commissioner of Taxation* [2014] HCATrans 231 – special leave application.
- *In the matter of Caledonian Bank Limited (In Controllorship)* (NSD139/2015) – application under the *Cross-Border Insolvency Act* for remittal of assets to the foreign main proceeding.
- *ZYX Learning Centres Limited (rec. & mgrs. apptd.)(in liq.) & anor. v Green & ors.* (NSWSC-2013/257054) – bringing claims for auditor professional negligence and breach of director’s duties, leading to mediation.
- *Yellow Edge Pty Limited v Tahana* (NSWSC-2014/40313) – urgent application for a freezing order.
- *AxiCorp Financial Services Pty Limited v Jet Ice Australia Pty Limited* (NSWSC-2012/281775) – breach of contract concerning derivative securities.
- Advising one of the Big Four banks on the process of appointment of a statutory manager by APRA to an authorised deposit-taking institution pursuant to the *Banking Act*.
- Advising hedge fund traders on a potential class action concerning the reclassification of a class of shares.

**ADMISSIONS**

2012 – Solicitor (Supreme Court of South Australia).

2013 – Solicitor (High Court of Australia).

2019 – Barrister (New South Wales).

**OTHER POSITIONS**

Benjamin is the Convener of the *Roman Law Reading Group* in Sydney.

**ACKNOWLEDGEMENT**

Benjamin is grateful for his teachers at School, in University, and during the Bar Practice Course, to whom he is indebted.