

Victoria Brigden

Barrister

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Professional Experience

Barrister, NSW Bar

May 2010 to date

- Broad commercial and equity practice, with a particular interest in trade practices, corporations, insolvency, banking, regulatory, employment and restraint of trade matters.

Solicitor, Corrs Chambers Westgarth Feb 2006 – Apr 2010

- Practice in general commercial litigation, with a particular focus on trade practices, insolvency, class actions and employment matters.

Education

- 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

Selected appearances as a barrister

General commercial and equity matters:

- *ACCC v TPG Internet Pty Ltd* [2019] FCA 1677 (led by B W Walker SC for TPG) – alleged misleading or deceptive conduct and unfair contract terms
- *ACCC v Birubi Art Pty Ltd (No 3)* [2019] FCA 996 (led by T Begbie) – civil penalty hearing
- *ACCC v viagogo AG* [2019] FCA 544 (led by K Stern SC) – misleading or deceptive conduct and other contraventions of the Australian Consumer Law
- *ACCC v ACM Group Limited (No 3)* [2018] FCA 2059 (led by K M Richardson SC) – civil penalty hearing
- *ACCC v Birubi Art Pty Ltd (No 2)* [2018] FCA 1595 (led by K Stern SC) – misleading or deceptive conduct under the Australian Consumer Law
- *ACCC & anor v ACM Group Limited (No 2)* [2018] FCA 1115 (led by K Stern SC) – misleading or deceptive conduct, undue harassment, coercion and unconscionable conduct under the Australian Consumer Law
- *McBain v Bellamy's Australia Ltd* [2018] NSWSC 1152 (led by I M Jackman SC) – whether member approval obtained under s200E of Corporations Act
- *Luo v Windy Hills Australian Game Meats Pty Ltd (No 2)* [2018] NSWSC 1139 (unled) – security for costs
- *King v Chrisis* [2018] NSWSC 377 (unled) – undue influence, judicial approval of settlement

- *Boyd v Thorn* (2017) 96 NSWLR 390 (led by A J McInerney SC) – Court of Appeal proceedings involving 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
- *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
- *Capogreco & ors v Rogerson & anor* [2015] NSWSC 1371 (unled) – contract, tort of conversion
- *Dickman v Holley; Estate of Simpson* [2013] NSWSC 18 (led by I E Davidson SC) – probate, undue influence
- *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

Employment and restraints of trade:

- *Fair Work Ombudsman v Westside Petroleum Retail 1 Pty Ltd 7 ors* [2019] FCCA 2784 – civil penalty hearing
- *Fair Work Ombudsman v Priority Matters Pty Ltd (No 4) & ors* [2019] FCCA 56 (led by E Raper) – accessorial liability for breaches of the Fair Work Act 2009
- *Fair Work Ombudsman v Her Fashion Box Pty Ltd & anor* [2019] FCCA 425 (unled) – civil penalty hearing
- *Fair Work Ombudsman v AIMG BQ Pty Ltd* [2018] FCCA 1879 (unled) – application to set aside civil penalties
- *Fair Work Ombudsman v Noorpreet Pty Ltd* [2018] FCCA 1246 (unled) – civil penalty hearing
- *Fair Work Ombudsman v JPA Manchester Pty Ltd & anor* [2018] FCCA 845 (unled) – civil penalty hearing
- *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 R Moses SC and Y Shariff) – restraint of trade in employment
- *OAMPS Insurance Brokers Ltd v Hanna* [2010] NSWSC 781 (led by A R Moses SC) – restraint of trade in employment

Banking:

- Acted for an employee of the Commonwealth Bank of Australia in respect of the ASIC investigation and proceedings regarding market manipulation of the BBSW rate
- *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, acting for the National Australia Bank
- *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:

- *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 M J 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 J 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)

Royal Commissions and inquiries:

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

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