

PHILIP O'HIGGINS

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Carbolic Chambers

Level 31, 239 George Street

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ADMISSION

- Barrister, Supreme Court of Queensland, 2009
- Solicitor, England & Wales, 2005
- Solicitor, Supreme Court of Queensland, Federal and High Courts of Australia, 1997

PRACTICE

General commercial practice, with particular experience in:

- Banking and insolvency
- Corporations and securities law
- Professional negligence and disciplinary matters
- Equity and trusts
- Intellectual property
- Administrative law
- Trade practices
- Property
- Contract

CAREER

- Barrister, Queensland Bar, 2009 to date
- Previously, in-house litigation counsel, Barclays Bank PLC (London), senior associate at Clifford Chance LLP (London), Carey Olsen (Guernsey), McCullough Robertson (Brisbane) and Blake Dawson Waldron (Brisbane).
- Associate to the Hon. Justice Cooper, Federal Court of Australia, 1998-99
- Articled clerk and solicitor, Minter Ellison (Brisbane), 1995-98

EDUCATION

- LLB (Hons), University of Queensland, 1994
- B.Com, University of Queensland, 1992

SAMPLE DECIDED CASES [hyperlinked where available]

Appellate

R v Phillips [2019] QCA 28

[*Schultz v Bank of Queensland Ltd*](#) [2016] 2 Qd R 86; [2015] QCA 208

[*Schultz v Bank of Queensland*](#) [2015] QCA 19

[*Mio Art Pty Ltd v Macequest Pty Ltd & Ors*](#) [2014] QCA 339

[*Graham v Legal Services Commissioner \(No 2\)*](#) [2014] QCA 306

[*Graham v Legal Services Commissioner \(No 1\)*](#) [2014] QCA 305

[*Meridien Ab Pty Ltd v Jackson*](#) [2013] QCA 121

[*BOQ Equipment Finance Pty Ltd v Scott*](#) [2015] QCA 135

Other

Benjamin Hornigold Limited v GM Enterprises Australia Pty Ltd (unreported, Supreme Court of Queensland, Applegarth J, 4 June 2019)

Higginbotham v Star Stone Corporate Capital Ltd & Ors [2019] QDC 35

Rocky Organic Property Pty Ltd & Anor v Camm Cattle Company Pty Ltd (unreported, Supreme Court of Queensland, Jackson J, 10 April 2018)

Balanced Securities Limited v Li & Ors (unreported, Supreme Court of Queensland, Bond J, 13 April 2018)

[*Corbiere v OPCU Ltd*](#) [2018] QSC 32

[*Mowatt & Ors v White Horses Pty Ltd*](#) [2017] QSC 292

[*Watson v National Australia Bank*](#) [2017] FCA 128

[*Cassimatis & Anor v Commonwealth Bank of Australia*](#) [2016] QSC 281

[*Titan Enterprises \(Old\) Pty Ltd v Cross*](#) [2016] FCA 1275

[*Watson v National Australia Bank*](#) [2016] FCA 1334

[*Oceltip Pty Ltd v Noble Resources Pte Ltd & Ors*](#) [2016] QSC 246

[*Titan Enterprises \(Old\) Pty Ltd v Cross*](#) [2016] FCA 1241; (2016) 119 IPR 468

[*Mineral Resources Engineering Services Pty Ltd v Commonwealth Bank of Australia; Hay v Commonwealth Bank of Australia \(No 3\)*](#) [2016] QSC 232

[Graham & Linda Huddy Nominees Pty Ltd v Byrne](#) [2016] QSC 221

[Owen, in the matter of Far Pavilions Interiors Pty Ltd \(Administrators Appointed\)](#) [2016] FCA 1602

[PSAL Limited v Galilee Solicitors](#) [2016] QDC 162

[Medical Board of Australia v Bethania Surgery](#) [2015] QCAT 550

[Mineral Resources Engineering Services Pty Ltd \(as trustee for Meakin Investment Trust\) v Commonwealth Bank of Australia \(No 2\)](#) [2015] QSC 288

[Ligon Sixty-Three Pty Ltd v Clarkekan \(No 2\)](#) [2015] QSC 274

[Ligon Sixty-three Pty Ltd v Clarkekan and Ors](#) [2015] QSC 153

[Integrated Medical Technology Pty Ltd and Anor v Gilbert and Ors \(No 3\)](#) [2015] QSC 133

[Integrated Medical Technology Pty Ltd v Gilbert \(No 2\)](#) [2015] QSC 124

[BOO Equipment Finance Ltd v Scott](#) [2015] QSC 60

[Schultz v Bank of Queensland Ltd](#) [2014] QSC 305

[Commonwealth Bank of Australia v Dalle Cort & Anor](#) [2014] QSC 296

[Integrated Medical Technology Pty Ltd & Anor v Gilbert](#) [2014] QSC 227

[Treadstone Developments Pty Ltd Wever Family Trust v The Salisbury Group Pty Ltd and Ors](#) [2014] QSC 109

[Mio Art Pty Ltd v BMD Holdings Pty Ltd & Ors](#) [2014] QSC 55

[Wepar Nominees Pty Ltd v Schofield](#) [2013] FCA 920

[Perpetual Ltd v Registrar of Titles and Ors](#) [2013] QSC 296

[Hamlin v The University of Queensland](#) [2013] FCCA 406

[Joanne Baxter Fifties Food Pty Ltd atf The Ninja Bear Trust v Subway Realty Pty Ltd & Anor](#) [2013] QCAT 163

[Australian Securities and Investments Commission v Managed Investments Ltd and Ors \(No 4\)](#) [2013] QSC 15

[Marlow v Boyd](#) [2012] QSC 331

[SDW Projects Pty Ltd v Modi and Ors \(No 2\)](#) [2012] QSC 426

[Edgarange Pty Ltd v Pretirement Villages Pty Ltd](#) [2012] QDC 326

[Hamcor Pty Ltd v Vaughan & Ors](#) [2012] QDC 299

[National Mutual Life Assn of Australasia Ltd v Tolfield Pty Ltd \(No 4\)](#) [2012] FCA 101

[National Mutual Life Assn of Australasia Ltd v Tolfield Pty Ltd \(No 3\)](#) [2012] FCA 100; (2012) 201 FCR 261

[Wellington Capital Ltd \(in the matter of Premium Income Fund\) v Premium Income Fund Action Group \(No 2\)](#) [2012]

FCA 1516

[National Mutual Life Association of Australasia Ltd v Tolfield Pty Ltd \(No 2\)](#) [2011] FCA 1309

[Wellington Capital Ltd \(in the matter of Premium Income Fund\) v Premium Income Fund Action Group \(No 1\)](#) [2011]

FCA 781; (2011) 85 ACSR 51

[National Mutual Life Association of Australasia Ltd v Tolfield Pty Ltd](#) [2011] FCA 707

[Henderson and Anor v The Body Corporate for Merrimac Heights](#) [2011] QSC 336