

ELIOT L. OLIVIER

Barrister

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SUMMARY

Eliot practises in commercial and public law. He accepts briefs in all jurisdictions (NSW and Victoria in particular) and regularly appears led and unled in the Federal Court of Australia and State superior courts.

Eliot has particular expertise in representative proceedings and other complex litigation. He frequently appears and advises on matters including securities class actions, consumer class actions, employment class actions, and mass tort claims.

Eliot is also experienced in general commercial matters, corporations law, and trade practices disputes. He also acts in public law, employment and human rights law, and professional conduct and liability proceedings.

Since being called to the bar in 2018, Eliot has been recommended in legal ranking guides including in Legal 500 (Leading Junior - Commercial Disputes), Doyles Guide (Leading Class Actions Junior - Australia) and Best Lawyers (Ones to Watch - Commercial Law).

Eliot previously practised as a solicitor in Sydney, Melbourne and London, and served as tipstaff to justices of the New South Wales Supreme Court and Court of Appeal. He holds a Master of Laws with Distinction from University College London and a First Class Honours degree in Law from the University of Sydney.

ADMISSIONS

- 2023 Admitted to the Victorian Bar (Interstate Practising Counsel)
- 2018 Admitted to the Bar of New South Wales
- 2013 Admitted as a Solicitor of the Supreme Court of New South Wales

QUALIFICATIONS

- 2014 Master of Laws (with Distinction), University College London
- 2011 Bachelor of Laws (Honours I), University of Sydney

PROFESSIONAL EXPERIENCE

- 2018 - present Barrister, 5 Wentworth Chambers, Sydney
 - 2017 - 2018 Associate (Class Actions), Phi Finney McDonald, Sydney
 - 2016 - 2017 Associate (Financial Services Litigation), Hausfeld & Co LLP, London
 - 2014 - 2015 Lawyer (Class Actions), Slater and Gordon, Melbourne
 - 2013 Ministerial Advisor, Australian Government, Canberra
 - 2012 Tipstaff, New South Wales Supreme Court and Court of Appeal, Sydney
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PRINCIPAL AREAS OF PRACTICE

- Appellate
- Class Actions
- Commercial & Corporations Law
- Employment & Human Rights
- Professional Conduct & Liability
- Regulatory
- Public Law
- Trade Practices

SELECT MATTERS

Appeals

- *Impiombato v BHP Group Limited* [2025] FCAFC 9; 308 FCR 250 – appeal raising issues of principle on construction, amendment of group definition in securities class action – led by PW Collinson KC for appellant
- *Muriniti & Anor -v- Lawcover Insurance Pty Ltd & Ors* [2022] NSWCA 159 – appeal from summary dismissal, professional liability – unled for individual respondent
- *Getswift Ltd -v- Webb* [2021] FCAFC 26; 283 FCR 328 – appeal from refusal of recusal application for apprehended bias, parallel civil penalty and representative proceedings – led by E Collins SC for the respondent
- *Livers -v- Legal Services Commissioner* [2020] NSWCA 317; 103 NSWLR 738 and [2021] NSWCA 164 – appeal from findings of professional misconduct by solicitor, application for payment from Public Purpose Fund following successful appeal – led by S Prince SC for the appellant
- *Minister for Immigration and Border Protection -v- CTW17* [2019] FCAFC 156; 271 FCR 173 – appeal from dismissal of judicial review of immigration decision – led by S Prince SC pro bono for the appellant
- *Klemweb Nominees Pty Ltd (as trustee for the Klemweb Superannuation Fund) -v- BHP Group Limited* [2019] FCAFC 107; 369 ALR 583 – appeal regarding resolution of multiplicity of proceedings – led by PW Collinson KC and AD Pound for respondent
- *SZTVU -v- Minister for Home Affairs & Anor* [2019] FCAFC 30; 268 FCR 497 – appeal from dismissal of judicial review of immigration decision – led by S Prince SC pro bono for the appellant
- *Livers -v- Legal Services Commissioner* [2018] NSWCA 319 – appeal from findings of professional misconduct by solicitor – led by S Prince SC for the appellant
- *Perera -v- GetSwift Ltd* [2018] FCAFC 202; 263 FCR 92 – appeal regarding resolution of multiplicity of proceedings (written submissions) – led by D Collins QC and O Bigos for the respondent

Class Actions

- *Bogan v The Estate of Peter John Smedley (Deceased)* (Victorian Supreme Court S ECI 2020 03281, ongoing) – securities class action – led by C Withers SC, COA Parkinson KC for the class
- *Impiombato -v- BHP Billiton Limited* (Federal Court VID649/2018, settlement approved) – securities class action – led by R Doyle SC, COA Parkinson KC for the class – interlocutory

judgments include [2018] FCA 1272 (common fund application), [2018] FCA 2045; 364 ALR 162 (multiplicity of proceedings), [2023] FCA 1104 (discovery), [2023] FCA 1354 (opt out, construction of group definition), [2024] FCA 591 (amendment of group definition), [2025] FCA 1594 (settlement approval)

- *J&J Richards Super Pty Ltd ATF The J&J Richards Superannuation Fund -v- Nielsen (No 2)* [2025] FCA 431 – settlement approval application, financial services class action – unled for the intervener; *J & J Richards Super Pty Ltd v Linchpin Capital Group Limited* [2023] FCA 656 and [2023] FCA 509 – partial settlement approval – unled for the intervener
- *Stack -v- AMP Financial Planning Pty Ltd* (Federal Court VID489/2020, ongoing) – financial services class action, led by M Hodge KC for the class – interlocutory judgments include [2020] FCA 1839 (consolidation of representative proceedings, contradictors); [2021] FCA 1479; 401 ALR 113 (s 33N declassing)
- *Boulos -v- M.R. V.L. Investments Pty Ltd* [2024] FCA 1377 – employment class action, settlement approval – unled for the intervener
- *Bain -v- International Capital Markets Pty Ltd (No 2)* [2024] FCA 847 and *Vingrys v International Capital Markets Pty Ltd & Ors* [2024] VSC 455 – financial services class action, resolution of multiplicity of proceedings – with T Bagley for Wyer applicant
- *Wyer -v- International Capital Markets Pty Ltd* [2024] FCA 284 and *Bain v International Capital Markets Pty Ltd* [2024] FCA 283 – financial services class action, service out of jurisdiction – unled for Wyer applicant
- *Haswell v Commonwealth of Australia (No 3)* [2023] FCA 1093 – mass tort claim, settlement approval application – led by I Pike SC (as he was then known) for the intervener
- *Giabal Pty Ltd v Gunns Plantations Ltd (in liquidation)* [2023] NSWSC 184 and [2023] NSWSC 201 – financial services class action, settlement approval – led by G Donnellan for the intervener
- *Webb -v- GetSwift Limited* [2023] FCA 90 – shareholder class action, settlement approved – led by E Collins SC, O Bigos KC for the class; interlocutory decisions including [2020] FCA 1292 (recusal application)
- *Barker -v- Santos Limited* (Federal Court NSD 520/2019) – employment class action, settlement distribution – led by D Chin SC (as he was then known) as the independent arbiter
- *St Mary's Hog's Pty Ltd -v- HBCA Pty Ltd* [2022] FCA 52 – franchising class action, security for costs – led by T Castle SC for the class
- *Davison -v- Commissioner of Police & Ors* [2021] FCA 1324 – racial discrimination class action, settlement approved – led by C Ronalds SC for the class
- *Cantor -v- Audi Australia Pty Ltd* [2020] FCA 637 and [2020] FCA 658 – consumer class action, settlement approved – led by LWL Armstrong KC for the litigation funder
- *Rushleigh Services Pty Ltd -v- Forge Group Ltd (In Liq)* [2019] FCA 2113 – shareholder class action, settlement approved – led by M Darke SC and O Bigos for the class

Commercial & Corporations Law

- *Fitzpatrick v Isaacs* (Federal Court QUD 365/2023, ongoing) – corporations law, commercial contracts, equity – unled for the defendants, cross-claimant; interlocutory decisions including [2024] FCA 1187 (security for costs), [2024] FCA 1454 (costs orders)
- *Westbrook Capital Pty Ltd v Diamond Beach Pty Ltd* (NSW Supreme Court 2023/128430, settled) – commercial contracts, *Real Property Act 1900* (NSW) – unled for the defendant
- *AHG WA (2015) Pty Ltd -v- Mercedes-Benz Australia/Pacific Pty Ltd* [2023] FCA 1022; 303 FCR 479 – multiparty commercial dispute, franchising law, trade practices, commercial contracts – led by T Castle SC, C Parkinson KC and others for the applicants
- *In the matter of Murray Park Developers* (NSW Supreme Court 2021/175409, settled) – corporations law, oppression, commercial contracts – unled for the plaintiff
- *In the matter of Systema AI Holdings Pty Ltd* (NSW Supreme Court 2021/39515, settled) – corporations law, oppression, commercial contracts, executive employment contracts – led by D Harris for the plaintiff
- *On Kee Dry Seafood Pty Ltd -v- Clem Tech Pty Ltd* (NSW District Court 2020/4866, settled) – commercial contracts, equity – unled for the defendants
- *Angelis as trustee for the Angelis Family Trust -v- Pemba Capital Partners Fund I Partnership, LP* [2019] NSWSC 1759 – commercial contracts, equity, corporations law – led by F Corsaro SC for the plaintiff
- *Horseshoe Properties Pty Limited -v- Sterling & Freeman Advisory Pty Limited* (NSW Supreme Court 2019/263168, settled) – financial services, commercial contracts, equity, interlocutory injunctions – led by F Douglas QC for the plaintiff

Professional Conduct & Liability

- *Muriniti & Anor -v- Lawcover Insurance Pty Ltd & Ors* [2022] NSWSC 90 – professional liability (barrister), negligence, summarily dismissed – unled for defendant; interlocutory decisions including [2022] NSWSC 1593 (lump sum costs), [2022] NSWSC 1683 (stay of costs orders)
- *Smith and Australian Securities & Investments Commission* (AAT, settled 2022) – professional conduct (solicitor), merits review, temporary stay of banning order obtained – unled for the applicant
- *Skalvos -v- Aon Hewitt Financial Advice Limited* (Supreme Court 2021/101838, ongoing) – professional liability (financial advisor), misleading or deceptive conduct, fiduciary duties – led by R Clark for plaintiff
- *Assaf -v- Assaf & Ors* (Supreme Court 2022/205639) – professional liability (solicitor), contract, fiduciary duties – unled for the solicitor defendant
- *Burcham -v- John Devall Pethebridge trading as Advanced Concepts Non Slip Tile Treatment Central Coast* (Supreme Court 2021/326629) – professional liability (tile treatments), negligence – unled for the defendant
- *Legal Services Commissioner -v- Livers* [2019] NSWCATOD 180 – professional conduct (solicitor) – led by S Prince SC for the respondent