

Brent Michael

Barrister

Sixth Floor Selborne Wentworth Chambers

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Practice

Broad commercial practice – contracts; equity and trusts; corporations and partnerships; funds and managed investment schemes; misleading and unconscionable conduct; confidentiality.

Briefs also accepted in other areas – including negligence, real property, freedom of information, restraint of trade, defamation, inquiries.

Experience

New South Wales Bar Barrister	2015 – Present
University of New South Wales Lecturer, Civil procedure	2013, 2017–18
University of Sydney Lecturer, Evidence and Torts	Jul – Dec 2014
King & Wood Mallesons Solicitor, Dispute Resolution group, Sydney	2009 – 2013
Court of Appeal, Supreme Court of New South Wales Tipstaff (judge's associate), Justice D.H. Hodgson AO	2008

Education

Columbia Law School, LLM (Hons) (*Litigation, constitutional, jurisprudence, history*)

University of Sydney, LLM (*Commercial litigation, contracts, judicial power, tort*)

University of New South Wales, BA (*Philosophy*), LLB (Hons)

- **First place in course:** Legal Interpretation; Advanced Contract Law; Commercial Equity Litigation; Defamation and the Media; Judicial Power of the Commonwealth; The Causation Element; Biopolitics and Biotechnology; Political Theory and the Rights of Indigenous Peoples.
- **Prizes:** Columbia Law School Milton B. Conford prize for jurisprudence; Sydney Law School Sir Maurice Byers prize for constitutional law; UNSW Dean's List for Academic Excellence; World Runner-Up, Jessup International Moot; Winner, Chartered Institute of Arbitrators National Arbitration Moot; Winner, Witness Examination Competition, UNSW.
- Editorial Board, *UNSW Law Journal*.

**Selected
recent
matters**

- ***Spearpoint Solutions & Technology Pty Ltd v Gentex Corporation* (NSWSC)**
Contracts – claim of exclusive distribution and fulfilment agreement – for US manufacturer of defence equipment. (Unled; instructed by MinterEllison)
- ***Tassel Pty Ltd v Dream Industrial Pty Ltd* (NSWSC)**
Contracts; misleading conduct – \$15M sale of servers – allegations buyer procuring for use in China to avoid US export controls. (Unled; instructed by ClearSky Legal)
- ***FSM Development Pty Ltd (in liq) & Ors v Ray White Capital Pty Ltd & Ors* (FCA)**
Corporations – for Ray White Capital parties re accessorial liability and voidable transaction claims. (Led by D. Thomas SC; instructed by Arnold Bloch Leibler)
- ***Donnison Apartments Pty Ltd & Ors v Kosmin* (NSWSC)**
Professional negligence; fiduciary duties – claims by development investor against solicitors re failure to secure loans and conflicts. (Unled; instructed by Cornwalls)
- ***In the matter of FSM Development Pty Ltd (in liq) & Ors* [2025] FCA 1625**
Privilege – joint and common interest. (Led by D. Thomas SC; instructed by Mallesons)
- ***In the matter of FSM Development Pty Ltd (in liq) & Ors* [2025] NSWSC 988**
Corporations – public examinations – application to set aside examination summonses where parallel examinations in FCA. (Led by D. Thomas SC; instructed by Mallesons)
- ***Student A v Council of Newington College* [2025] NSWSC 534; [2025] NSWCA 230**
Trusts – construction – for the College defending challenge to power to transition to co-education. (Led by N. Hutley SC, with D. Reynolds; instructed by MinterEllison)
- ***Mir v Mir & Ors* [2025] NSWCA 154**
Partnerships – whether arising over group of companies and trusts; trusts – application to remove trustee. (Led by C. Bova SC; instructed by Cornwalls)
- ***Patrick; Secretary, DCCEE & Anor* [2024] ARTA 7; [2025] FCA 754; [2026] FCA 642**
FOI – confidentiality exemption – for Snowy Hydro. (Unled; instructed by Allens)
- ***Mir v Mir & Ors* [2023] NSWSC 408; [2024] NSWSC 791; [2024] NSWSC 899**
Partnerships; corporations – winding up; trusts – terms governing, application to remove trustee – \$300M+ assets. (Led by C. Bova SC; instructed by Cornwalls)
- ***Arnold & Ors v Belmore 88 Pty Ltd & Ors* (NSWSC)**
Trusts – joint venture – property development – allegations of unauthorised transactions, breaches of trust, disputed loans. (Led by C. Bova SC; instructed by Corrs)
- ***GPT RE Limited v ACPE Limited & Ors* (NSWSC)**
Contracts – indemnities – share sale agreement – enforcement of indemnity against vendor re lease liabilities; rectification. (Led by M. Izzo SC; instructed by Mallesons)
- ***Proclear International P/L v United Beverage Co-Packers* [2024] NSWSC 1455**
Contracts – manufacture – confidentiality, exclusivity, quality. (Led by T. Alexis SC; instructed by Hall & Wilcox)
- ***Patrick; Secretary, Department of Defence* [2021] AATA 4627; [2024] AATA 336**
FOI – commercially sensitive information re submarine program – confidentiality and other exemptions – for Naval Group France. (Unled; instructed by Allens)

- ***Magellan Asset Management Limited as responsible entity for the Magellan Global Fund v Keybridge Capital Limited* [2023] NSWSC 1332**
Managed investment scheme – construction of constitution – validity of meeting request to resolve to delist/redeem units. (Led by D. Thomas SC; instructed by MinterEllison)
- ***HSBC Bank Australia Ltd v Potts* [2022] NSWCA 165; [2023] HCATrans 49**
Banking – misleading and deceptive conduct – for HSBC re \$29m claim against former directors of Dick Smith. (Led by D. Thomas SC; instructed by Ashurst)
- ***Re Dixon Advisory and Superannuation Services Ltd (in admin)* [2022] FCA 1273**
Corporations – application by class action claimant for insurance policies of company in administration. (Led by D. Williams SC; instructed by Kennedys)
- ***Davis & Ors v Certain Lloyd's Underwriters & Ors* [2022] NSWSC 131**
Trusts – for trustee's insurers defending \$10m breach of duty claim for not preventing share dilution. Discontinued after trial. (Led by T. Alexis SC; instructed by Kennedys)
- ***Broadway Plaza Investments Pty Ltd v Broadway Plaza Pty Ltd & Ors* [2020] NSWSC 1778; [2021] NSWSC 1374; [2021] NSWSC 1537**
Partnership – property development; authority/agency; director's duties; \$130M+ in claims. (Led by N. Hutley SC & C. Bova SC with D. Reynolds; instructed by Cornwalls)
- ***In the matter of Courtenay House Capital Trading Group Pty Ltd (in liq)* [2018] NSWSC 404; [2019] NSWSC 1113; [2020] NSWSC 780; [2020] NSWCA 117**
Trusts – Australia's largest Ponzi scheme – whether funds totalling \$40M+ held on trust for investors; distribution method; tracing. (Led by M. Izzo SC; instructed by Ashurst)

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- Select papers**
- ‘Migratory Boundaries of Coastal Properties in Cases of Artificially Caused Erosion’ (2018) 7(2) *Property Law Review* 80.
 - ‘Failing to Assess a Borrower’s Repayment Capacity’, *Law Society Journal*, April 2016.
 - ‘Recourse to Contractual Context Reaffirmed’ (2015) 89(3) *Australian Law Journal* 181 (with D. Wong).
 - ‘Criteria for identification of “corporations” and “trading corporations” under 51(xx) of the Constitution’, *Bar News*, Winter 2015.
 - ‘Sea Changes in Coastal Protection Laws’ (2013) 87 *Australian Law Journal* 15 (with K. Coleman).
 - ‘*Western Export Services v Jireh International*: Ambiguity as the Gateway to Surrounding Circumstances?’ (2012) 86(1) *Australian Law Journal* 57 (with D. Wong). (**Cited in:** *Mainteck Services Pty Ltd v Stein Heurtey SA* [2014] NSWCA 184; *McCourt v Cranston* [2012] WASCA 60; *Bisognin v Hera Project Pty Ltd* [2016] VSC 75; *Toga Pty Limited v Perpetual Nominees Ltd* [2012] NSWADT 80.)
 - ‘International Law in Constitutional Interpretation: A Theoretical Perspective’ (2012) 23(3) *Public Law Review* 197.
 - ‘Must an Accessory be a Know-It-All?’ (2010) 18(4) *Trade Practices Law Journal* 234 (now *Competition & Consumer Law Journal*). (**Cited in:** *Sugarloaf Hill Nominees Pty Ltd v Rewards Projects Ltd* [2011] WASC 19.)
 - ‘Responding to Attacks by Non-State Actors: The Attribution Requirement of Self-Defence’ (2009) 16 *Australian International Law Journal* 133.