

Michael Collins

6 St James Hall – Gadigal Country, Level 6, 169 Phillip Street, Sydney NSW 2000
02 9236 8676 | mcollins@stjames.net.au

Michael's practice encompasses a broad range of complex commercial disputes, and includes corporations and insolvency matters. Where appropriate, Michael accepts direct briefs from in-house counsel and insolvency practitioners.

Principal areas of practice

Banking and financial services
Commercial
Competition and consumer
Corporations

Equity and trusts
Insolvency and bankruptcy
Insurance
Property

Admissions

Barrister: 2020
Solicitor: 2009

Selected cases

Commercial

- *J & J Richards Super Pty Ltd v Linchpin Capital Group Limited (No 2)* [2023] FCA 509 - investor class action (final judgment reserved, led by D Lloyd SC and R Pietriche).
- *AHG WA (2015) Pty Ltd v Mercedes-Benz Australia/Pacific Pty Ltd* [2023] FCA 1022 – franchise dispute between 38 dealerships and the manufacturer (led by T Castle SC, Dr C Parkinson KC and others).
- *LCM Operations Pty Ltd v Rabah Enterprises Pty Ltd* [2023] NSWSC 590 – dispute arising from a property development (led by D Robinson SC).
- *Site Demolition Pty Limited v Kang* [2023] NSWDC 487 – dispute regarding disposal of contaminated material (unled).
- International commercial arbitration – IT contract dispute on behalf of a foreign state-owned company (Resolution Institute, 2022, led by A Horvath SC).
- *DSE Transport Pty Ltd v Conglomeration Pty Ltd* [2021] NSWDC 251 – claim under services agreement (unled).
- *Ewok Pty Ltd v Wellard Limited* – shareholder class action (Federal Court of Australia, led by W Edwards KC).

Corporations, insolvency and bankruptcy

- *Chief Disruption Officer Pty Ltd as Trustee for the McDonald Family Trust v Michel, in the matter of Laava ID Pty Ltd (No 3)* [2022] FCA 1302; *(No 4)* [2023] FCA 25– shareholder oppression proceedings (led by D Rayment SC).

- *Naidenov, in the matter of Quoterite Pty Ltd (administrators appointed)* [2023] FCA 1169 – application by administrators for orders expanding the operation of s 440D of the *Corporations Act* to apply to a foreign arbitration (unled).
- *Kite (Trustee), in the matter of Murray (a Bankrupt) v Murray* [2023] FCA 198 – claim by bankruptcy trustee to recover property (led by R Marshall SC).
- *Mansfield (Liquidator) v Fortrust International Pty Ltd, in the matter of Palladium Investments International Pty Ltd (in liq)* [2023] FCA 350 – application to join parties to voidable transaction proceedings, consideration of impact of arbitration clause on joinder of foreign defendant (unled).
- *Mansfield in his capacity as the trustee in the bankruptcy of Yang v Palladium Investments International Pty Ltd* [2023] FCA 690 – application by liquidators and receivers for orders and directions relating to trust property (unled).
- *Aravanis and Roy as trustees of the bankrupt estate of Francis-Wright v Francis-Wright* – application by bankruptcy trustee for possession of property (Federal Circuit and Family Court of Australia, 2022, unreported, unled).
- *In the matter of Waratah on Alstonville Pty Ltd (administrators appointed)* [2021] FCA 953 – application to extend convening period for the second meeting of creditors of a company in administration (unled).
- *Snell v Glatis (No 4)* [2021] NSWCA 42 – application to vary orders made in shareholder oppression proceedings (unled).
- *In the matter of 316 Group Pty Ltd (In Liquidation)* [2021] FCA 324 – regarding implied undertakings in public examination proceedings (led by D Robinson SC).
- *Perpetual Corporate Trust Limited v Xu* [2021] FCCA 1178 – application to appoint interim bankruptcy trustee (unled).
- *Hogan as the liquidator of Garage 88 Employment Pty Limited v May* – successful insolvent trading claim by liquidator (District Court of NSW, 2021, unreported, unled).
- *Oppenheim Legal v McCabe* [2020] FCCA 3086 – question of jurisdiction under Bankruptcy Act where respondent out of Australia (unled).
- Public examinations – Michael has conducted numerous public examinations under the *Corporations Act* on behalf of external administrators (unled) and has also appeared on behalf of examinees.

Banking and financial services

- *Hester v Commonwealth Bank of Australia* [2023] NSWCA 147; [2023] NSWCA 70 – application for leave to appeal (unled); application for stay of judgment (unled).
- *Hester v Commonwealth Bank of Australia* [2023] NSWSC 424 – application for summary dismissal of proceedings (unled).
- *Well Nigh Funding No 1 Pty Ltd v Tang* [2023] NSWDC 564 – claim on a loan agreement on grounds that the terms of the agreement were accepted by conduct (unled).
- *Tito (Administrator of the Estate of Atkins) v Atkins* [2022] FCA 183 – appeal from the Superannuation Complaints Tribunal, on behalf of AMP Superannuation Limited (unled).

- *Condon v Australia and New Zealand Banking Group Pty Ltd* – claim under s 111A of the *Conveyancing Act 1919* (Federal Court of Australia, 2022, settled, led by T Mehigan SC).
- *National Australia Bank Ltd v Qasim* [2022] NSWSC 1254 – application for default judgment on claim for debt and possession of properties (unled).
- *Finstro Securities Pty Ltd v Gosatti* [2021] NSWSC 635 – application to transfer proceedings under cross-vesting legislation (unled).
- *Thompson v Perpetual Trustees Victoria Ltd* [2021] NSWSC 622 – application for summary dismissal of claim against lender on limitation grounds (unled).
- *Commonwealth Bank of Australia v Susan Hannaford Pty Ltd* [2013] NSWSC 342 – application for reinstatement and winding up of a company (appeared as solicitor advocate).
- *Bendigo & Adelaide Bank Ltd v McMahon* [2013] NSWSC 628 – application to stay proceedings in reliance on the *Farm Debt Mediation Act* (appeared as solicitor advocate).

Property and other areas

- *The Owners – Strata Plan No 80877 v Lannock Capital 2 Pty Ltd* [2023] NSWSC 1401 – application for the termination of the “Mascot Towers” strata scheme, appearing on behalf of Australia and New Zealand Banking Group Pty Ltd (led by T Mehigan SC).
- *Anjoul v Anjoul* [2021] NSWSC 592; *Anjoul v Anjoul (No 2)* [2021] NSWSC 1511; *Anjoul v Anjoul (No 3)* [2022] NSWSC 1456 – property dispute, application to re-open case, consequential orders following granting of relief under the *Contracts Review Act* (led by P Newton SC).
- *Condy v Lane* – application by trustees appointed under s 66G of the *Conveyancing Act* (Supreme Court of NSW, 2022, Darke J, unreported, unled).
- *GEL Custodians Pty Limited v The Estate of the late Geoffrey Francis Wells* [2013] NSWSC 973; *GEL Custodians Pty Ltd v Estate of late Hussey* [2013] NSWSC 974 – concerning the role of the NSW Trustee and Guardian in proceedings against deceased estates prior to a grant of probate or administration (appeared as solicitor advocate).

Professional background

2021 to present: Barrister, 6 St James Hall, Sydney
 2020 to 2021: Barrister, 11 St James Hall, Sydney
 2017 to 2020: Senior Associate at Dentons, Sydney
 2009 to 2013: Solicitor at Gadens, Sydney

Qualifications

Bachelor of Laws (Macq), 2007
 Bachelor of Science (Macq), 2007

Clerk

Nora Faulua
 nfaulua@stjames.net.au
 02 9236 8600