

# MICHAEL HODGE QC

YEAR OF CALL: 2004 | YEAR OF SILK: 2017

Michael took silk in 2017 and practises nationally in all kinds of complex commercial disputes. He has a particularly prominent reputation in the areas of competition, class actions, corporate law and financial services. He is ranked by *Legal 500* as a leading silk at the Australian Bar for commercial disputes and competition law, by *Best Lawyers* for litigation and competition law, and by *Doyle's Guide* for competition law.

In 2018, he was one of the Senior Counsel assisting the *Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry*. With a strong track record of getting across material in a short space of time, ability to grasp legal complexities and approachable demeanour, Michael is a QC of choice for appearing before or assisting commissions of inquiry and public reviews.

In the fast-developing area of class actions, Michael has established himself as a prominent barrister defending class actions. He has worked with government entities against actions concerning robodebt, climate change disclosure and energy prices.

In competition law, Michael appears and advises Australian and foreign corporations, and their directors and officers, in relation to investigations and proceedings in respect of allegation concerning mergers, cartels, abuse of market power, and unconscionable conduct.

## AREAS OF PRACTICE

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Appellate, Arbitration, Banking, Class Actions, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Inquiries & Coronial Inquests, Judicial Review & Administrative, Professional Negligence.

## CASES

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### ***Queensland Productivity Commission* [2021]**

February 2021, Competition & Consumer

LEVEL

TWENTY  
SEVEN

CHAMBERS



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**Royal Commission into Misconduct in the Banking, Superannuation, and Financial Service Industry**  
February 2019, Banking, Competition & Consumer, Inquiries & Coronial Inquests, Professional Discipline & Regulatory

**Australian Competition and Consumer Commission v Flight Centre Limited (No 2)[2018] 356 ALR 38**  
December 2018, Competition & Consumer

**ACCC v Oakmoore Pty Ltd [2018] FCA 1169 & Australian Competition and Consumer Commission v Oakmoore Pty Ltd (No 2) [2018] FCA 1169**  
August 2018, Competition & Consumer

**Mango Boulevard Pty Ltd v Mio Art Pty Ltd [2018] QCA 039**  
March 2018, Corporate Insolvency & Bankruptcy, Corporations

**Legal Services Commissioner v Reid (No 3) [2017] QCAT 471**  
December 2017, Corporations, Professional Discipline & Regulatory

**Investigation into the transport of waste into Queensland [2017]**  
October 2017, Inquiries & Coronial Inquests

**Australian Competition and Consumer Commission v Cement Australia Pty Ltd [2017] FCAFC 159**  
October 2017, Appellate, Competition & Consumer

**Public inquiry into the Australian dairy industry [2017]**  
September 2017, Inquiries & Coronial Inquests

**Stroppiana & Ors v Mackay Sugar Ltd [2017] QSC 217**  
September 2017, Contract

**Wilmar Sugar Australia Limited v Mackay Sugar Limited [2017] FCAFC 40**  
March 2017, Professional Discipline & Regulatory

**Review into the Queensland Parole System [2017]**  
February 2017, Inquiries & Coronial Inquests

**Inquiry into Queensland Rail's train crewing practices [2017]**  
February 2017, Inquiries & Coronial Inquests

**ACCC v Flight Centre Travel Group Ltd [2016] 261 CLR 203; HCA 49**  
December 2016, Competition & Consumer

**Australian Competition and Consumer Commission v Woolworths Limited [2016] FCA 1472**  
December 2016, Competition & Consumer

**Australian Competition and Consumer Commission v Chrisco Hampers Australia Limited [2015] FCA 1204**  
November 2015, Competition & Consumer

**Grantham Floods Commission of Inquiry**

October 2015, Inquiries & Coronial Inquests

**Jones & Ors v Invion Ltd & Anor [2015] QCA 100**

June 2015, Corporations

**Australian Competition and Consumer Commission v Coles Supermarkets Australia Pty Ltd [2014] FCA 1405**

December 2014, Competition & Consumer

**Melisavon Pty Ltd v Springfield Land Development Corporation Pty Limited [2014] QCA 233**

March 2014, Contract

**Australian Competition and Consumer Commission v Exclusive Media & Publishing Pty Ltd [2014] FCA 228**

March 2014, Competition & Consumer

## EXPERIENCE

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### COMPETITION & CONSUMER

Having acted in matters concerning a vast breadth of competition and consumer law, including regularly acting for the ACCC, Michael is regarded as a leading barrister in this area of law. Below are some examples of the variety of issues and industries he has been engaged with.

- > Matter concerning the contravention of s 45(2)(a)(ii) of the *Trade Practices Act 1974* (now the *Competition and Consumer Act 2010*) where a supply arrangement for polycarbonate roof sheeting had the likely effect of substantially lessening competition in the market.
- > Acting for the ACCC in multiple proceedings alleging Flight Centre attempted to induce airlines to enter into an arrangement to fix, control or maintain flight prices.
- > Appearing for the ACCC in an appeal against a cement company in respect of contracts allegedly contravening s76 of the *Competition and Consumer Act 2010* (Cth) and considered whether a contravening contract ought to be separately penalised or treated as a single course of conduct.
- > Acting for the ACCC in separate matters against national supermarkets in claims of unconscionable conduct within the meaning of s 21(1) of the *Australian Consumer Law*.
- > Appearing for the ACCC against a goods supplier alleging an “unfair term” within the meaning of s 24 of the *Australian Consumer Law*.

> Acting for the ACCC against a media company seeking declarations, injunctions and pecuniary penalties for misleading and deceptive conduct.

## REGULATORY

Michael advises and acts for individuals and companies in respect of regulatory obligations who are party to disputes or subject to investigations. Below highlights some of the variety of matters Michael has previously been briefed on.

> Acting for and advising regulators undertaking investigations or instituting proceedings and assisting and advising companies and individuals involved in or the subject of regulatory investigations or proceedings.

> Dispute concerning mill owner directors appointed to the Board of Queensland Sugar Limited in relation to the *Sugar Industry (Real Choice in Marketing) Amendment Act 2015 (Qld)*.

> Matter where a legal practitioner was company secretary and corporate counsel for Racing Queensland and whether the practitioner breached fiduciary or equivalent duties when instructing legal firms about terms of executive employment contracts including her own.

## INQUIRIES & INVESTIGATIONS

With in depth experience of working as part of Commissions of Inquiry and investigations, Michael is well placed to advise, assist and appear at all stages of inquiries.

> Engaged as part of the Public Inquiry into the Australian dairy industry to establish a long term solution to the dairy crisis, including the legality of milk contracts.

> Advising the Queensland Productivity Commission in relation to a competitive neutrality complaint.

> Appearing in the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

> Counsel engaged in the Investigation into the Transport of Waste in Queensland.

> Involved in the Inquiry into Queensland Rail's train crew practices investigating circumstances associated with the disruptions to the Citytrain timetable.

> Briefed in the Queensland Parole System Review which sought input from victims' organisations, organisations working with offender, academics and experts.

> Engaged in the Grantham Floods Commission of Inquiry investigating the man-made factors affecting the 2011 flooding of the Lockyer Creek.

## CONTRACT

Contractual disputes form a major part of Michael's practice. He advises and appears for companies, construction entities and individuals at all stages of the dispute resolution process. Below are recent examples of

matters Michael has been engaged on.

> Acting for Mackay Sugar against declarations as to the operation of a contract and an injunction to prohibit breach of the contract which was a standard form “Cane Supply and Processing Agreement” (“CSPA”) supply contract between the respondent and growers for the supply of sugar cane by growers to the respondent.

> Dispute arising from a contract between a sugar mill and a logistics company regarding the logistics company’s invoices to transport sugar to a mill.

> Acting for the appellant in a dispute regarding the completion of the construction of a clubhouse.

## **RECOMMENDATIONS**

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### **DOYLE’S GUIDE (AUSTRALIA WIDE)**

2018-2020 – Recommended in Competition Law

### **DOYLE’S GUIDE (QUEENSLAND)**

2018-2019 – Recommended in Commercial Litigation & Dispute Resolution

## **MEMBER**

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Member - Corporations Committee, Law Council of Australia

Member - Competition and Consumer Committee, Law Council of Australia

Member - Australian Association of Constitutional Law

Member - Bar Council Association of Queensland

*Liability limited by a scheme approved under professional standards legislation*