

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, public, regulatory 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

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

CASES

***Hutson v ASIC* [2022] QSC 68**

April 2022, Corporations

***Stanwell Corporation Limited v LCM Funding Pty Ltd* [2022] FCA 1430**

November 2021, Corporations

LEVEL

TWENTY
SEVEN

CHAMBERS



LEVEL 27, 239 GEORGE ST
BRISBANE QLD, 4000

level27chambers.com.au

T 07 3008 3980

M +61 403 163 539

[hodge@](mailto:hodge@level27chambers.com.au)

level27chambers.com.au

Australian Competition and Consumer Commission v NQCranes Pty Ltd[2021] FCA 1270

October 2021, Competition & Consumer

O'Donnell v Commonwealth of Australia [2022] FCA 1223

October 2021, Competition & Consumer

Australian Competition and Consumer Commission v BlueScope Steel Limited (No 3)[2021] FCA 1147

September 2021, Competition & Consumer

CMC Property Pty Ltd & Ors v Rankin Investments (Qld) Pty Ltd & Anor[2021] QCA 173

August 2021, Contract

Equititrust Limited v Tucker & Others [2021] QSC 188

July 2021, Corporate Insolvency & Bankruptcy

Epic Games, Inc v Apple Inc [2021] FCAFC 122

July 2021, Competition & Consumer, International

Dyer v Chrysanthou (No 2) (Injunction)[2021] FCA 641

June 2021, Media & Defamation

Prygodicz v Commonwealth of Australia (No 2)[2021] FCA 634

June 2021, Class Actions

Australian Competition and Consumer Commission v Tasmanian Ports Corporation Pty Ltd[2021] FCA 482

June 2021, Competition & Consumer

Re Canberra Babington Pty Ltd [2021] NSWSC 552

May 2021, Corporations

Re ICRA Rolleston Pty Ltd [2021] QSC 98

May 2021, Corporations, Contract

CMC Property Pty Ltd & Ors v Rankin Investments (Qld) Pty Ltd[2021] QSC 94

May 2021, Contract

Queensland Productivity Commission [2021]

February 2021, Competition & Consumer

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

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

DOYLE'S GUIDE (AUSTRALIA WIDE)

2018-2020 – Recommended in Competition Law

DOYLE'S GUIDE (QUEENSLAND)

2018-2019 – Recommended in Commercial Litigation & Dispute Resolution

LEGAL 500 (ASIA PACIFIC)

2022 – Commercial Disputes “A high profile senior counsel briefed as counsel assisting on the Financial Services Royal Commission.”

– Competition “Michael is an outstanding advocate and very commercial. He can digest and advocate a position with ease and in the most favourable way for a client. Michael is one of the new generation of leading silks at the Australian Bar.”

AUSTRALIAN FINANCIAL REVIEW'S BEST LAWYERS®

2023 – Listed for Competition, Public and Regulatory Law, as well as Litigation. Listed as Sydney's Regulatory 'Lawyer of the Year'.

MEMBER

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

Member - LawRight

PUBLICATIONS

Declaratory Relief Concerning Misuse of Market Power Confirmed as Appropriate in Interest of Justice

June 2021, Competition & Consumer

Liability limited by a scheme approved under professional standards legislation