

MICHAEL TRIM

YEAR OF CALL: 1998

Michael has a broad commercial practice providing advice and assistance with disputes in the following fields: building and construction, general commercial matters, insolvency, banking & finance, insurance & re-insurance, professional negligence and commercial property.

Michael's practice encompasses appearances in courts, arbitrations, mediations and commissions and work as a mediator or arbitrator.

He is listed in Band 1 and one of only seven ranked junior barristers in Australia for Construction & Infrastructure by Chambers & Partners Asia Pacific 2019.

The current edition of Doyle's Guide to the Australian Legal Profession lists Michael as a 'preeminent', 'leading' or 'recommended' junior for the following areas: Commercial Litigation & Disputes (Queensland); Construction & Infrastructure (National and Queensland); and Insolvency & Restructuring (National and Queensland).

In addition, Michael is listed in the Australian Financial Review's Best Lawyers 2017, 2018 and 2019 for Alternative Dispute Resolution, Construction & Infrastructure and Litigation.

AREAS OF PRACTICE

Appellate, Arbitration, Banking, Building & Construction, Commercial Equity, Competition & Consumer, Contract, Corporate Insolvency & Bankruptcy, Corporations, Insurance, International, Land Law & Property, Professional Discipline & Regulatory, Professional Negligence, Resources & Energy, Tax.

CASES

***Lake v GBST Holdings Limited* [2019] QSC 253**

October 2019, Competition & Consumer, Contract, Employment & Industrial

***Tisdall v Omeros* [2019] QSC 220**

September 2019, Competition & Consumer, Contract, Corporations

***Johnston v Brisbane City Council & ors (No 2)* [2019] QSC 2193**

August 2019, Judicial Review & Administrative

LEVEL

TWENTY
SEVEN

CHAMBERS



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Kelsey v Logan City Council & Ors (No.7)[2019] QIRC 085

June 2019, Judicial Review & Administrative

Johnston v Brisbane City Council[2019] QSC 130

May 2019, Judicial Review & Administrative

Garmin Australasia Pty Ltd v B & K Holdings (Qld) Pty Ltd[2018] QCA 353

December 2018, Appellate, Contract

Aurizon Network Pty Ltd v Queensland Competition Authority & Ors[2018] QSC 246

October 2018, Judicial Review & Administrative, Competition & Consumer

Kelsey v Logan City Council[2018] QIRC 108

August 2018, Employment & Industrial

Kelsey v Logan City Council[2018] QIRC 099

July 2018, Employment & Industrial

Dalley v Kelsey[2018] ICQ 006

June 2018, Employment & Industrial

Garmin Australasia Pty Ltd v B & K Holdings (Qld) Pty Ltd[2018] QSC 117

May 2018, Contract

Kelsey v Logan City Council[2018] QIRC 53

May 2018, Employment & Industrial

National Australia Bank Ltd v Bluanya Pty Ltd (no2)[2018] QSC 93

May 2018, Banking, Land Law & Property

National Australia Bank Ltd v Bluanya Pty Ltd[2018] QSC 49

March 2018, Banking, Land Law & Property

Kelsey v Logan City Council (no.2)[2018] QIRC 017

February 2018, Employment & Industrial

Kelsey v Logan City Council[2018] QIRC 009

February 2018, Employment & Industrial

Palermo v National Australia Bank Ltd[2017] QCA 321

December 2017, Banking, Land Law & Property

Forsythe v Big Gold Corporation Ltd[2017] QSC 277

November 2017, Commercial Equity, Land Law & Property

Access Group International Ltd v Dreamfield Pty Ltd[2017] QSC 276

November 2017, Commercial Equity, Contract

McQueen v Mount Isa Mines Ltd; CMA Assets Pty Ltd v Mount Isa Mines Ltd[2017] QCA 259

November 2017, Appellate, Building & Construction, Contract

Crime & Corruption Commission - Operation Belcarra – second set of hearings

June 2017, Inquiries & Coronial Inquests

National Australia Bank Ltd v Palermo[2017] QCA 118

June 2017, Banking, Corporate Insolvency & Bankruptcy, Land Law & Property

Crime & Corruption Commission - Operation Belcarra

April 2017, Inquiries & Coronial Inquests

CKP Constructions Pty Ltd v Gabba Holdings Pty Ltd[2016] QDC 356

December 2016, Building & Construction

ALS Ltd v ECF Asia Pacific Pty Ltd[2016] QDC 340

December 2016, Contract

Mt Isa Mines Ltd v CMA Assets Pty Ltd[2016] QSC 260

November 2016, Contract, Resources & Energy

Godden v State of Queensland[2016] QSC 224

October 2016, Insurance

Inquest into the death of Sean Edwards

February 2016, Inquiries & Coronial Inquests

Commissioner of Taxation v Australian Building Systems Pty Ltd[2015] HCA 48

December 2015, Appellate, Corporate Insolvency & Bankruptcy, Tax

Wiggins Island Coal Export Terminal Pty Ltd v Monadelphous[2015] QSC 309

November 2015, Building & Construction

Commissioner of Taxation v Australian Building Systems Pty Ltd (in liq)[2015] HCA Trans 82

April 2015, Tax, Corporate Insolvency & Bankruptcy

Gekko Developments Pty Ltd v Centa Company Pty Ltd[2015] QSC 87

April 2015, Contract, Land Law & Property

Sandhurst Trustees Limited v Clarke[2015] FCAFC 21; (2015) 321 ALR 1

February 2015, Appellate, Banking

Johnston v Brisbane City Council[2014] QSC 268

October 2014

J M Kelly (Project Builders) Pty Ltd v Toga Development No. 31 Pty Ltd (No 6)[2014] QSC 262

October 2014, Building & Construction, Contract

Commissioner of Taxation v Australian Building Systems Pty Ltd (in liq)[2014] FCAFC 133

October 2014, Tax, Appellate

Siemens Limited v Forge Group Power Pty Ltd (in liq)[2014] QSC 184

August 2014, Building & Construction

Sandhurst Trustees Limited v Clarke[2014] FCA 84

July 2014, Corporations, Appellate

Clarke v Sandhurst Trustees Limited[2014] FCA 580

June 2014, Corporations, Appellate

Australian Building Systems Pty Ltd v Commissioner of Taxation[2014] FCA 116

February 2014, Tax, Appellate

Re : Equitrust Limited (in liq)[2013] QSC 346

December 2013, Corporate Insolvency & Bankruptcy

Murphy v Legal Services Commissioner (No 2)[2013] QSC 253

September 2013, Judicial Review & Administrative

Humphreys and Carter as receivers and managers v McDaniels & Seachange Storage[2013] FCA 1061

August 2013, Corporate Insolvency & Bankruptcy, Corporations, Appellate

Gekko Developments Pty Ltd v Centa Company Pty Ltd[2013] QSC 126

May 2013, Contract, Corporations

Seeker Aircraft America Inc v Seabird Aviation Australia Pty Ltd & Anor[2013] QSC 121

May 2013, Contract, Intellectual Property

Weis Restaurant Toowoomba v Gillogly[2013] QCA 21

February 2013, Insurance, Appellate

Meandarra Aerial Spraying Pty Ltd v Hill[2012] QCA 315

November 2012, Professional Negligence, Appellate

Challen v Golder Associates Pty Ltd[2012] QCA 307

November 2012, Appellate

Julstar Pty Ltd [2012] QDC 272

September 2012

Zabusky v Virgtel Ltd [2012] QCA 107

April 2012, Corporations, Appellate

Daynes v CBD Central Pty Ltd [2012] QSC 85

April 2012, Corporate Insolvency & Bankruptcy, Corporations

Hyatt of Australia Ltd v Coolum Resort Pty Ltd [2012] QSC 49

March 2012, Contract, Corporations

Golder Associates Pty Ltd v Challen [2012] QDC 11

February 2012

Advance Traders Pty Ltd v McNab Constructions Pty Ltd & Anor [2011] QSC 212

August 2011, Building & Construction

G E J Geldard Pty Ltd as trustee v Mobbs (No 3) [2011] QSC 297

July 2011, Insurance

Aircraft Technicians of Australia Pty Ltd v St Clair; St Clair v Timtalla Pty Ltd [2011] QCA 188

March 2011, Professional Negligence, Appellate

G E J Geldard Pty Ltd as trustee v Mobbs & Ors (No 2) [2011] QSC 33

March 2011, Insurance

Plummer & Plummer v GPD Marine Village [2011] QSC 9

January 2011, Contract

St Clair v Timtalla Pty Ltd [2010] QCA 304

October 2010, Insurance, Appellate

Springfield Land Corporation (No 2) Pty Ltd v State of Queensland [2010] HCATrans 164

June 2010, Land Law & Property

LeMass v deVere [2010] QSC 140

May 2010, Corporations

EXPERIENCE

Michael was originally admitted as a barrister and solicitor in South Australia in 1998 and worked for DLA Piper (then Phillips Fox) for 8 years in Adelaide and Brisbane handling commercial disputes, professional indemnity disputes, product liability claims, insurance disputes and other claims (including acting as counsel at trial and in the interlocutory stages in a number of those disputes).

Michael was also a lawyer and senior associate with Clyde & Co and Clifford Chance LLP in London for almost 5 years prior to coming to the bar in Brisbane and was involved in a variety of commercial disputes, including acting for Brookfield Multiplex UK in disputes arising out of the construction of the new Wembley Stadium, numerous commercial, insurance and reinsurance arbitrations and in other contractual disputes and regulatory matters. Michael qualified as a “Solicitor Advocate” during his time in the United Kingdom.

In addition to the reported matters referred to, Michael has acted:

- in numerous building and construction claims and arbitrations: including for a developer in a multi-million dollar dispute over the construction of a large apartment development in New Farm, in a litigated dispute over the construction of a residential, commercial and hotel development on the Gold Coast and in numerous significant infrastructure and resource-related arbitrations;
- for and against banks, liquidators, administrators and receivers in numerous claims (including those arising from finance agreements, guarantees, statutory demands and winding up applications);
- as counsel in a number of public examinations, the coronial inquest into deaths arising during the course of the home insulation scheme, the Crime & Corruption Commission Inquiry into local government elections in 2016 and ASIC inquiries;
- in numerous contractual disputes in a commercial setting – including disputes arising out of supply contracts, restraint of trade clauses, sales of businesses and the like;
- in numerous professional negligence claims (including in claims against valuers, accountants, solicitors and construction professionals);
- for vendors, purchasers and a Council in various property related disputes (including disputes arising out of contracts for the sale of residential and commercial property and disputes arising out of commercial leases);
- in numerous resources related disputes (including arbitration); and,
- in oppression claims and other corporate disputes (between directors, shareholders and companies).

Michael is also an active participant in various continuing professional development programmes. In addition to the presentation of seminars at firms, Michael has been invited to speak at many industry events, including presentations to the Society of Construction Law Australia (Queensland, Western Australia and National).

RECOMMENDATIONS

Chambers & Partners Asia Pacific 2016-2019 (Band 1)

Listed as a ‘leading’ junior for Construction & Infrastructure.

- 2019 “*one of the outstanding construction juniors in Australia who has been involved in every bit of good construction litigation in Brisbane*” and “*he has a good rapport with the court and he has the skill where he can communicate with the clients*”.

- 2018 “*excellent credentials in the construction space*” and “*a good rapport with the Bench, he is respectful and courteous, he has a very good technical grounding in construction law and civil procedure, and he is very good at nurturing the junior lawyers who work with him*”
- 2017 “*very bright and dedicated, with a strong understanding of construction, infrastructure and engineering issues*”.
- 2016 “*sought-after junior with a growing reputation*”

Australian Financial Review’s Best Lawyers

- 2017 – Listed for Alternative Dispute Resolution, Construction & Infrastructure and Litigation
- 2018 – Listed for Alternative Dispute Resolution, Construction & Infrastructure and Litigation
- 2019 – Listed for Alternative Dispute Resolution, Construction & Infrastructure and Litigation
- 2020 – Listed for Alternative Dispute Resolution, Construction & Infrastructure and Litigation

Doyle’s Guide to the Australian Legal Profession

Insolvency & Restructuring

- 2019 ‘Leading’ junior (Queensland)
- 2018 ‘Leading’ junior (Queensland)
- 2017 ‘Recommended’ (National)
- 2017 ‘Leading’ junior (Queensland)
- 2016 ‘Recommended’ junior (Queensland)

Commercial litigation & Disputes

- 2019 ‘Leading’ junior (Queensland)
- 2018 ‘Leading’ junior (Queensland)
- 2017 ‘Leading’ junior (Queensland)
- 2015 ‘Leading’ junior (Queensland)

Construction & Infrastructure

- 2019 ‘Preeminent’ junior (Queensland)
- 2018 ‘Recommended’ junior (National)
- 2018 ‘Preeminent’ junior (Queensland)
- 2017 ‘Recommended’ junior (National)
- 2017 ‘Leading’ junior (Queensland)

Michael has been ‘recommended’ for Building and Construction in Brisbane for four previous years.

See also LinkedIn profile for recommendations: [public profile here](#).

APPOINTMENTS

Queensland Bar Association's Building and Construction Committee

MEMBER

Bar Association of Queensland

Society of Construction Law Australia

EDUCATION

1998 University of South Australia, Graduate Diploma in Legal Practice

1997 Flinders University, Bachelor of Laws

PUBLICATIONS

Can my contract be varied by what happens on site or how claims are treated?

August 2019, Building & Construction, Contract

But can't I just rely on the words in the contract? Recent appellate cases for and against

August 2018, Building & Construction, Contract

2017 Construction Law Wrap Up

November 2017, Building & Construction

What kind of delay analysis do I need?

August 2017, Building & Construction

Big wave surfing - claims from infrastructure projects: how recent cases can help manage the swell

July 2017, Building & Construction

Catastrophic Failures in Construction

June 2017, Building & Construction

Proportionate Liability

March 2017, Professional Negligence

Where's my money? Can I access or recover my security or not?

March 2016, Building & Construction

Liability limited by a scheme approved under professional standards legislation