

# 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 eight ranked junior barristers in Australia for Construction & Infrastructure by Chambers & Partners Asia Pacific 2020, having been listed in Band 1 by Chambers & Partners in 2016 to 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 (National and Queensland); Construction & Infrastructure (National and Queensland); and Insolvency & Restructuring (National and Queensland).

Legal 500 Asia Pacific's inaugural guide to the Australian Bar ranks Michael in Band 1 for Construction.

In addition, Michael is listed in the Australian Financial Review's *Best Lawyers*® 2017-2021 for Alternative Dispute Resolution, Construction & Infrastructure and Litigation, and for International Arbitration in 2021.

## AREAS OF PRACTICE

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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

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***Australia Pacific LNG Pty Limited v Sooner Insurance Company***[2021] QSC 43  
March 2021, Insurance

LEVEL

TWENTY  
SEVEN

CHAMBERS



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***Kangaroo Point Developments MP Property Pty Ltd v RHG Construction Fitout and Maintenance Pty Ltd & Ors [2021] QSC 30***

February 2021, Building & Construction, Contract

***KDR Gold Coast Pty Ltd v CPB Contractors Pty Ltd [2020] QSC 303***

October 2020, Contract

***Somerset Civil Pty Ltd v Sugarbag Road Pty Ltd [2020] QSC 203***

July 2020, Contract

***Smith v Kelsey & Ors; Dalley & Ors v Kelsey & Ors [2020] QCA 55***

March 2020, Employment & Industrial

***Hambleton & Anor v Idec Solutions Pty Ltd [2020] QDC 17***

March 2020, Building & Construction, Corporate Insolvency & Bankruptcy, Contract

***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

***Dalley & Ors v Kelsey & Ors [2019] ICQ 8***

July 2019, Employment & Industrial

***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

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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

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### Chambers & Partners Asia Pacific 2016-2020 (Band 1)

Listed as a 'leading' junior for Construction & Infrastructure.

- 2021 *"great attention to detail" and "very high-quality work"*.
- 2020 *"He makes himself available when you need him and he doesn't back out of his opinions; he forms his views and he sticks with them"*.
- 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"*

### Chambers & Partners Global 2021 (Band 1)

Listed as a 'leading' junior for Construction & Infrastructure.

### The Legal 500 2021 (Band 1)

#### Construction

- 2021 – *"Exceptionally bright and hard-working and a first-class advocate. He has the strategic insights of an established silk. He is a rising star."*

### 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
- 2021-22 – Listed for Alternative Dispute Resolution, Construction & Infrastructure, International Arbitration and Litigation

## **Doyle's Guide to the Australian Legal Profession**

### *Insolvency & Restructuring*

- 2020 'Recommended' (Queensland)
- 2019 'Leading' junior (Queensland)
- 2018 'Leading' junior (Queensland)
- 2017 'Recommended' (National)
- 2017 'Leading' junior (Queensland)
- 2016 'Recommended' junior (Queensland)

### *Commercial litigation & Disputes*

- 2020 'Leading' junior (Australia)
- 2020 'Leading' junior (Queensland)
- 2019 'Leading' junior (Queensland)
- 2018 'Leading' junior (Queensland)
- 2017 'Leading' junior (Queensland)
- 2015 'Leading' junior (Queensland)

### *Construction & Infrastructure*

- 2021 'Leading' junior (National)
- 2021 'Preeminent' junior (Queensland)
- 2020 'Preeminent' junior (Queensland)
- 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**

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Queensland Bar Association's Building and Construction Committee



## MEMBER

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Bar Association of Queensland

Society of Construction Law Australia

## EDUCATION

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**1998** University of South Australia, Graduate Diploma in Legal Practice

**1997** Flinders University, Bachelor of Laws

## PUBLICATIONS

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**Quantum meruit claims following the High Court's decision in Mann v Paterson Constructions Pty Ltd**  
November 2019, Building & Construction

**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*