

# *Michael D. Wyles KC.FAIBD*

## **Curriculum Vitae**

I signed the Bar Roll in 1990 and have had the good fortune to become one of Australia's leading advocates, both at the trial and appellate levels.

My practice covers a broad spectrum across all areas of commercial law, and in recent years has involved the application of the criminal law to corporations themselves, not as a matter of vicarious liability.

I have now been dealing with complex cases for some thirty-three years, commencing with the failure of Farrow Finance, the building society in which many residents of Geelong and surrounds lost their life savings. Soon after there was the failure of the Brashs group of companies where administrators were appointed using Pt 5.3A of the **Corporations Act** for the first time. That case effectively set the parameters for the use of Part 5.3A.

I conducted Cadbury's battle with Darrel Lea over the use of the colour purple to sell chocolate. This was a most sophisticated intellectual property case. As was Telstra's effort to protect its intellectual property in the colour yellow in telephone directories, where I ran the case for Telstra.

I defended John Elliot against ASIC's pursuit of civil penalties for insolvent trading and breach of his duties as a director of Water Wheel.

I acted for Lion Nathan in its takeover battle with Coopers Brewery.

I acted to protect Ericsson's interests in its intellectual property in the switches which facilitate our use of the internet daily.

I successfully piloted Telstra's defence to John Ilhan's (Crazy Johns) claims in excess of \$50m.

I defended John Holland against charges of an unsafe work environment and am defending another client corporation on criminal charges for breach of the **Queensland Environment Protection Act**.

I designed and prosecuted Cadbury's civil damages claim against Amcor for its illegal cartel conduct with Visy. I was retained to act for the CityLink consortium to secure its contracts with the Victorian State Government just prior to the 2015 election, and to act for Coles in its beef supply dispute with ACC.

During COVID-19 I was retained to pursue in the High Court of Australia the right, implied by the Constitution, of all Australians to freedom of movement within the State where they reside. I am retained to act for the Liquidator of the Hastie Group of companies to recover more than \$100m of receivables and performance bond proceeds.

I have also been retained to investigate issues and make recommendations to improve systems and processes to better facilitate both compliance with the law and enforcement of the law. The compliance retainers are confidential.

Together with the then Deputy Chairman of ASIC I conducted the review of ASIC's enforcement procedures for suspected substantial breaches of the Corporations Act.

In addition to my broad commercial practice, I have studied accounting, economics, marketing and organisational behaviour units at an MBA level, which I have found of great assistance in the presentation of commercial cases.

My experience of presenting cases at both trial and appellate level has left me with a thorough knowledge of the law, and more than equipped me to provide, not only the highest standard of written and oral advocacy, but also the formulation of exceptional and successful strategy for resolving conflict.

In addition, I have a ready facility for timely and incisive advisory opinions, written in a readily digestible manner, across a broad range of areas.

I chaired Barristers' Chambers Limited for 5 years to November 2017. BCL was a \$200m company with a turnover which grew under my leadership from \$19m to some \$35m per annum while net assets increased to \$140m. BCL's core business was the provision of quality CBD accommodation and ancillary services to more than 1800 barristers practicing at the Victorian Bar.

I have been assessed with a quadruple dominant profile (which occurs in only 3% of the population)<sup>1</sup>. This makes me an easy leader, well equipped to bring all to the desired goal. My achievements as a barrister have consistently reinforced my ability to quickly master difficult and complex factual and legal situations allowing me to analyse matters and set direction for the optimum outcome. These skills facilitated my leadership of the successful campaign to restore the office of King's Counsel in Victoria in 2014.

I have been a member of the Australian Institute of Company Directors since 1996 which has assisted my ability to better understand matters from the client's point of view, and significantly, the ability to assist clients to find the optimum commercial outcome in any dispute.

In 2016 I furthered my leadership skills by successfully completing the Professional Certificate of Workplace Leadership with the University of Melbourne.

**Dated:** May 2023

## FORMAL PARTICULARS

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## CAREER IN THE LAW

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<sup>1</sup> Refer Herrmann Brain Dominance Instrument.

1986 – 1987: Gillotts (merged in 1987 with Minter Simpson and Ellison Hewison Whitehead to form Minter Ellison)

30 March 1987: Admitted to Practice

1987 - 1990: Arthur Robinson & Hedderwicks (now Allens Linklaters)

31 May 1990: Signed Bar Roll of Victorian Bar Inc

1990 to date: Barrister-at-law, Member of the Victorian Bar Inc.  
 Interstate Member of: New South Wales Bar Association  
 Queensland Bar Association  
 Tasmanian Bar  
 South Australian Bar Association  
 Western Australian Bar Association

2007 – 2011: Member Equality of Opportunity Committee of the Victorian Bar

24 November 2009: Appointed Senior Counsel in and for the State of Victoria (on 15 April 2014) Letters Patent issued to me appointing me One of her Majesty’s Counsel for the State of Victoria)

2009 - 2012: Member Pro Bono Committee of the Victorian Bar

2012 – 2015: Editorial Committee: “Australian Civil Liability”

2012 – 2013: Chairman Health & Wellbeing Committee of the Victorian Bar Inc.

2012 – 2013: Member Ethics Committee of the Victorian Bar Inc.

15 April 2014: Appointed One of Her Majesty’s Counsel for the State of Victoria

2014 – to date: Nominated by peers for entry in **Best Lawyers Australia**

2022: Nominated by peers as a Leading Silk in commercial disputes in **Legal 500**

#### COMMERCIAL CAREER

2012 – 2017: Chairman Barristers’ Chambers Ltd

2012 – 2014: Chairman Foley’s List

2011 – 2017: Chair BCL People and Culture (previously Nominations and Remuneration) Sub-Committee

2011 – 2015: Chair BCL Audit and Risk Sub-Committee

2011 – 2014: Member Foley’s List Committee

2010 – 2017: Member of BCL Audit and Risk Sub-Committee

2010 – 2017: Director Barristers’ Chambers Ltd

2010 – 2015: Consultant to CEO of Anglicare Victoria

2010 – 2012: Member Finance and Audit committee of the Victorian Bar Inc.

2008 - 2012: Member Finance committee of the Council of St Catherine’s School

2008 - 2010: President Mt Buller Race Club

2002 - 2004: Operator of Charlotte’s Vineyard (owned by my family)

2001 - 2002: Business Development Executive reporting to the CEO Nufarm Ltd (part-time)

1996 – to date: Member Australian Institute of Company Directors (membership not renewed 2007-2011)

1992 - 1993: Fine Merino Sheep farm at Warrenmang Victoria

1981 – 1985: Farm Laborer; Seasonal Worker at Ardmona Cannery, Barman and Waiter various including Beaumaris Hotel

1980: Australian Stock Exchange – Post Clerk (“Chalkey”)

#### EDUCATION

1974 - 1979: De La Salle College Malvern (Dux of College)

1981 – 1985: University of Melbourne (resident Newman College) BA/LLB

2016:

University of Melbourne, Professional Certificate of Workplace Leadership

**MEMBERSHIPS/INTERESTS**

The Australian Club

The National Golf Club

The Melbourne Cricket Club

Flinders Yacht Club

**REFEREES**

Referees can be nominated upon request.