

## **CURRICULUM VITAE**

### **MICHAEL D WYLES Q.C. FAICD**

Since coming to the Bar in 1990 I have been retained to appear predominantly in the Supreme Court of Victoria, and in the Federal Court of Australia (throughout Australia), both at trial and on appeal. I am also briefed in the Supreme Courts of New South Wales, South Australia, Western Australia, Tasmania, and the Australian Capital Territory and in commercial arbitrations. I am also retained to appear in the High Court of Australia.

My practice is a broad commercial and civil practice (which also extends to civil penalties and public law). I have particular experience in corporate and company law, competition law, commercial arbitrations, equity, trusts and economic torts. 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.

Over the last 26 years I have appeared as counsel or Queen's Counsel in some 250 decided matters and various private arbitrations. My experience of presenting cases at both trial and appellate level has left me steeped in the law. Thus, I am more than equipped to provide not only the highest standard of written and oral advocacy, but also the formulation of exceptional and successful litigation strategy. 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.

My legal practice is complemented by my role as the Chairman of Barristers' Chambers Limited (BCL), a \$200m company with a turnover of some \$35m per annum and growing. BCL's core business is 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>. Combined with my natural intellect, this makes me an easy leader, well equipped to bring all to the desired goal. My professional achievement has constantly 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 title of Queen's Counsel in Victoria. An important marketing tool for Victorian silks.

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

I have been a member of the Australian Institute of Company Directors since 1996. This 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.

I have also served in a number of pro bono roles, including as consultant to the CEO of Anglicare (Mr Paul McDonald) and, at his invitation, assisted Anglicare, Berry Street, the Salvation Army, MacKillop Family Services, the Victorian Aboriginal Child Care Association and the Centre for Excellence in Child and Family Welfare on a pro bono basis in developing and making submissions to the Victorian Parliamentary Inquiry into Protecting Victoria's Vulnerable Children.

**Dated:** November 2016

## FORMAL PARTICULARS

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## CAREER IN THE LAW

- 1986 – 1987: Gillotts (merged in 1987 with Minter Simpson and Ellison Hewison Whitehead to form Minter Ellison)
- 30 March 1997: Admitted to Practice
- 1987 - 1990: Arthur Robinson & Hedderwicks (now Allens Linklaters)
- 31 May 1990: Member of the Victorian Bar Inc.  
(Interstate Member of: New South Wales Bar Association  
Queensland Bar Association  
Tasmania Bar  
South Australia Bar Association  
Western Australia Bar Association)
- 2007 – 2011: Member Equality of Opportunity Committee of the Victorian Bar
- 2009 - 2012: Member Pro Bono Committee of the Victorian Bar
- 24 November 2009: Appointed Senior Counsel in and for the State of Victoria  
(On 15 April 2014 the Victorian Government issued to me Letters Patent as One of Her Majesty's Counsel for the State of Victoria)
- 2010 – 2012: Member Finance and Audit committee of the Victorian Bar Inc.
- 2011 – 2014: Member Foley's List Committee
- 2012 – present: Associate Member 7 Wentworth Selborne Chambers Sydney
- 2012 – 2015: Editorial Committee: "Australian Civil Liability"
- 2012 – 2013: Member Ethics Committee of the Victorian Bar Inc.
- 2012 – 2013: Chairman Health & Wellbeing Committee of the Victorian Bar Inc.
- 2012 – 2014: Chairman Foley's List Committee
- 2014 – present: Selected by peers to be included in Best Lawyers Australia

**REPORTED DECISIONS**

Murphy v Victoria	(2014) 313 ALR 546
Telstra Corporation Ltd v Phone Directories Co Pty Ltd	(2014) 316 ALR 590
Discovery Africa Ltd v Sunbreaker Holdings Pty Ltd and Others	(2014) 98 ACSR 328
Macarthur Cook Real Estate Funds Ltd v APN Funds Management Ltd	(2013) 9 ASTLR 409
Chan v Four C Reality Pty Ltd (in liq) and Others (No 2)	(2014) 95 ACSR 666
Arhanghelschi and Another v Ussher and Others	(2013) 94 ACSR 86
Saric v Tehan	33 VR 632
John Holland Group Pty Ltd v Automorive, Food, Metals, Engineering, Printing and Kindred Industries Union and Others	34 VR 635
Hanks v Admiralty Resources NL (ACN 010 195 972)	85 ACSR 101
Comcare v John Holland Rail Pty Ltd (No 5)	283 ALR 111
John Holland Rail Pty Ltd (ABN 61 009 252 653) and Another v Comcare	276 ALR 221
Comcare v John Holland Rail Pty Ltd (ABN 61 009 252 653) and Another (No 3)	119 ALD 565
La Trobe Capital & Mortgage Corporation Ltd (ACN 007 332 363) v Hay Property Consultants Pty Ltd (ACN 006 368 985)	273 ALR 774
Comcare v John Holland Rail Pty Ltd (ABN 61 009 252 653) and Another	272 ALR 532
Acconci and Others v Alpha Technologies Corporation Ltd (ACN 006 613 636) (in liq) and Others	79 ACSR 505
Talacko and Others v Talacko	268 ALR 266
John Holland Pty Ltd (ABN 11 004 282 268) v Comcare	260 ALR 106
John Holland Pty Ltd (ABN 11 004 282 268) v Comcare	112 ALD 405
Comcare v John Holland Rail Pty Ltd	(2009) 185 IR 191
Australian Competition and Consumer Commission v Cadbury Schweppes Pty Ltd	(2009) 174 FCR 547
Cadbury Schweppes Pty Ltd v Darrell Lea Chocolate Shops Pty Ltd	(2009) 174 FCR 175
Irving v Smith	68 ACSR 14
Cadbury Schweppes Pty Ltd v Darrell Lea Chocolate Shops Pty Ltd (No 8)	75 IPR 557
Cadbury Schweppes Pty Ltd (ACN 004 551 473) v Amcor Ltd (ACN 000 017 372)	(2008) ATPR 9 42-224
Cadbury Schweppes Pty Ltd (ACN 004 551 473) v Amcor Ltd (ACN 000 017 372) and Others	246 ALR 137
Minister for Immigration and Citizenship v SZCWF and Another	244 ALR 291
Cadbury Schweppes Pty Ltd v Darrell Lea Chocolate Shops Pty Ltd (No 5)	240 ALR 780
Cadbury Schweppes Pty Ltd (ACN 004 551 473) v Darrell Lea Chocolate Shops Pty Ltd (ACN 000 498 386)	239 ALR 662

Cadbury Schweppes Pty Ltd (ACN 004 551 473) v Darrell Lea Chocolate Shops Pty Ltd (ACN 000 498 386)	72 IPR 261
Lion Nathan Australia Pty Ltd (ACN 008 596 370) v Coopers Brewery Ltd (ACN 007 871 409) and Others	59 ACSR 444
Cadbury Schweppes Pty Ltd v Darrell Lea Chocolate Shops Pty Ltd (No 5)	69 IPR 273
Cadbury Schweppes Pty Ltd v Darrell Lea Chocolate Shops Pty Ltd (No 4)	229 ALR 136
Cadbury Schweppes Pty Ltd v Darrell Lea Chocolate Shops Pty Ltd (No 4)	69 IPR 23
Cadbury Schweppes Pty Ltd v Darrell Lea Chocolate Shops Pty Ltd (No 3)	229 ALR 179
Cadbury Schweppes Pty Ltd v Darrell Lea Chocolate Shops Pty Ltd	228 ALR 719
Lion Nathan Australia Pty Ltd (ACN 008 596 370) v Coopers Brewery Ltd (ACN 007 871 409) and Others	223 ALR 560
Lion Nathan Australia Pty Ltd (ACN 008 596 370) v Coopers Brewery Ltd (ACN 007 871 409) and Others	56 ACSR 263
Lion Nathan Australin Pty Ltd (ACN 008 596 370) v Coopers Brewery Ltd (ACN 007 871 409)	55 ACSR 610
QPSX Ltd v Ericsson Australia Pty Ltd (No 3)	219 ALR 1
Beck and Another v Spalla and Another	223 ALR 21
Gribbles Pathology (Vic) Pty Ltd v Shandford Investments Pty Ltd	51 ACSR 578
Re Centaur Mining & Exploration Ltd (in liq) (rec and mgr apptd); Hawke and Another	48 ACSR 1
Australian Securities and Investments Commission v Plymin and Others	46 ACSR 126 - 5 May 2003 1 of 2
Australian Securities and Investments Commission v Plymin and Others (No 3)	42 ACSR 670
Australian Securities and Investments Commission v Plymin and Others (No 2)	42 ACSR 662
Ampelite Fibreglass Pty Ltd v Alsynite Roofing Products Pty Ltd and Others	49 IPR 271
Rexlyne Nominees Pty Ltd and Others v Last Frontier Picture Co Pty Ltd and Others	46 IPR 368
S T (2) Pty Ltd v Lockwood and Others	27 ACSR 667
Farrow Finance Co Ltd (in liq) v ANZ Executors and Trustee Co Ltd and Others	23 ACSR 521
Farrow Finance Co Ltd (in liq) v ANZ Executors and Trustee Co Ltd and Others	23 ACSR 488
J & B Records Ltd v Brashs Pty Ltd	(1995) 36 NSWLR 172 - 20 February 1995
J & B Records Ltd and Others v Brashs Pty Ltd	16 ACSR 285
Re Brashs Pty Ltd	15 ACSR 477
J & B Records Ltd and Others v Brashs Ltd	15 ACSR 702

Triangle Corp Pty Ltd v David Carnsew and Another	29 IPR 69
J & B Records Ltd v Brashes Pty Ltd (vol admin apptd)	13 ACSR 680
Re Brash Holdings Ltd (admr apptd)	13 ACSR 793
Brash Holdings Ltd (Administrator Appointed) and Ors v Katile Pty Ltd and Anor	13 ACSR 504
Netet Pty Ltd (rec and mgr apptd) v Mott	(1994) 13 ACSR 586
Brash Holdings Ltd v Katile Pty Ltd and Another	(1994)13 ACSR 464
Playcorp Pty Ltd v Shaw and Others	10 ACSR 212