



Michael G. Roberts QC

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Admissions

Date of Admission:

30 Mar 1989

First Signed Bar Roll:

26 Nov 1992

Date Appointed Silk:

27 Nov 2012

Qualifications

BSc (Hons), LLB

Profile

Since coming to the Bar, Michael has established an extensive commercial practice with particular specialisation in building and construction disputes as well as IT and IP disputes.

Whilst Michael on occasion appears in specialist tribunals, he predominantly appears in the Supreme and Federal Courts. He also regularly appears in Commercial Arbitrations.

In the area of building and construction disputes, Michael has appeared for most of Australia's large commercial construction firms in a wide variety of disputes.





Selected examples of infrastructure disputes in which he has been retained as Senior Counsel are:

- **Theiss Degremont Joint Venture** (the Contractor) in relation to the dispute that arose between it and the other members of the Public Private Partnership (Aquasure and the State of Victoria) established to construct and operate the Victorian Desalination plant at Wonthaggi. Other members of Counsel briefed with him were Mr D MacAndrew (now QC) and Mr LJ Connolly
- **Holmes Fire and Safety Pty Ltd** in relation to a dispute which arose concerning the construction of the Alice Springs Hospital, including in particular the fire protection systems which were installed in the hospital for which HFS was alleged to be responsible. The other parties included the Northern Territory as Plaintiff and John Holland as head contractor. The proceedings were heard in the Northern Territory Supreme Court before Justice Kelly. Michael was briefed with Mr M Crawley (Now SC) of the Northern Territory Bar and Mr LJ Connolly.
- **CES Queen Pty Ltd** in relation to a protracted dispute concerning the measures to be implemented in connection with the demolition of the existing building at 140 Queen Street Melbourne in preparation for the construction of the project that was to become known as Tower Melbourne. The other parties were Colonial Range Pty Ltd and the Building Appeals Board. He was briefed with Mr D MacAndrew (now QC), Ms C Symons and Mr LJ Connolly. Numerous decisions were reported at trial as well as appellate level in respect of multiple aspects of the protection works provisions of the Building Act 1993.
- **Multiplex Constructions Pty Ltd** in relation to a dispute between it and Brighton Australia Pty Ltd (one of its subcontractors) concerning the construction of the new National Australia Bank headquarters in the Docklands Victoria. He was briefed with Mr TJ Breakspear of the Sydney Bar. The proceedings were the subject of a fast track expert determination before Mr R Manly QC. The decision upon the adoption of the expert determination in favour of Multiplex is to be found at *Brighton Australia Pty Ltd v Multiplex Constructions Pty Ltd* [2018] VSC 246.
- **O'Donnell Griffin Pty Ltd** (then a subsidiary of RCR Tomlinson Pty Ltd) in proceedings commenced against it in the Western Australia Supreme Court by Alcoa of Australia Limited arising out of an incident at Alcoa's Alumina refinery plant at Kwinana whereby processing at the plant was interrupted for several days due to a plant wide electrical outage. He was briefed with Mr J Schoombe of the Western Australia Bar.



Recent Cases

Michael is recognized as a leader of the Bar in connection with disputes arising out of the operation of the Building and Construction Industry Security of Payment legislation and has appeared as Senior Counsel in numerous leading cases concerned with the operation of that Act since its enactment.

See for instance at the legislation's inception:

- *Protectavale Pty Ltd v K2K Pty Ltd* [2008] FCA 1248
- *Asian Pacific Building Corporation Pty Ltd v Aircon Duct Fabrication Pty Ltd* (No's 1 &2) [2010] VSC 300 & [2010] VSC 340
- *Metacorp Australia Pty Ltd v Andeco Construction Group Pty Ltd* (No's 1 &2) [2010] VSC 199 & [2010] VSC 255

More recently:-

- *Facade Treatment Engineering Pty Ltd (in liq) v Brookfield Multiplex Constructions Pty Ltd* [2016] VSCA 247
- *Amasya Enterprises Pty Ltd & Anor v Asta Developments (Aust) Pty Ltd & Anor* (Nos 1 & 2) [2015] VSC 233 & 500
- *Shape Australia v The Nuance Group* [2018] VSC 808

In addition, Michael has also appeared in proceedings of a broader commercial nature. He draws attention to:

- *Links Golf Tasmania Pty Ltd v Richard Geoffrey Sattler & Ors* (2012) 213 FCR 1

In these proceedings concerning a dispute between various parties involved in the construction of the Barnbougle Dunes Golf Course in Tasmania, he initially appeared led by Garde QC (now Justice Garde) for the successful Sattler parties. When his leader was appointed to the Bench he assumed the role of Senior Counsel (upon taking silk) leading various members of junior counsel in the successful conclusion of those proceedings