

CURRICULUM VITAE

Name: Michael Henry SC

Chambers: Alinea Chambers

Admission to the Bar: February 2000

Appointed Senior Counsel: October 2013

Pre-admission to the Bar: Associate to Hely J in the Federal Court of Australia (1999)

Trader in financial markets (over-the-counter interest rate swaps and options) at Macquarie Bank (1993-1995)

Qualifications: University of Sydney
BEc (1990-1992)
LLB (Hons 1) (1996-1998)

Principal Areas of Practice:

Michael's practice covers a broad range of disputes. He primarily practises in complex commercial litigation including disputes concerning company law, equity, trusts, insolvency law, contract, insurance, estoppel, real property and consumer protection law. This part of his practice ordinarily involves advising and appearing in trials and appeals in the Federal Court of Australia and the State Supreme Courts. He has also appeared in the High Court of Australia and at numerous public inquiries; including as counsel assisting a public inquiry held by the NSW ICAC.

In addition, Michael's practice extends to a variety of other matters. He appears in administrative law matters and in the Federal Circuit and Family Court of Australia in family law matters concerning property disputes; in particular involving trusts and the interests of affected third parties. He has appeared in the Land and Environment Court of New South Wales in a diverse range of matters: judicial review proceedings, disputes over compensation payable for compulsorily acquired land, applications to restrain persons for unlawful use of land, defending accused persons prosecuted for illegal dumping of asbestos contaminated landfill and planning appeals.

Short list of select cases:

Australian Securities and Investments Commission v Bekier (Liability Judgment) [2026] FCA 196 – successfully defended non-executive directors of Star Casino against allegations of breaches of directors' duties

Australian Turf Club Ltd v Racing NSW (No 2) [2026] NSWSC 184 – administrative law; statutory construction; constitutional law

Alto Pty Ltd v General Motors Australia and New Zealand Pty Ltd [2025] NSWSC 1566 – misleading and deceptive conduct; implied contractual term

Guo v Yufeng Investment Group (Australia) Pty Ltd [2024] NSWSC 1599 – equity; breach of fiduciary obligations; equitable remedies; account of profits

PDS Engineering Division Pty Ltd v North Sydney Council [2024] NSWLEC 1722 – local government; town planning; mixed use development; development application

Elanor Funds Management Ltd v Alceon Group Pty Ltd [2024] FCAFC 121- misleading and deceptive conduct; assessment of damages; admissibility of, and weight to be ascribed to, expert evidence

Link Investments Ltd v DC Rd DC Pty Ltd [2024] FCA 610 – leave to appeal and reasonableness

Saito v Eichel (No 2) [2023] FedCFamC1F 997 – expert evidence as to foreign law

Jordan v Sutton (No 4) [2023] FedCFamC1F 656 – whether amendment to initiating process *ultra vires* and would cause immediate prejudice to third parties

Chang v Song [2023] FedCFamC1F 387 – valuation of the equitable chose in action of a discretionary object of a trust

Re Olive Financial Markets Pty Ltd & ASIC [2022] AATA 5229 – appeal against cancellation by ASIC of an Australian Financial Services Licence

ACN 004410833 Ltd (formerly Arrium Ltd) (in liq) v Walton [2020] NSWCA 157 – whether summons to be publicly examined by liquidators was for an improper purpose

Left Bank Investments Pty Ltd v Ngunya Jarjum Aboriginal Corporation [2020] NSWCA 144 – whether CEO had implied actual or ostensible authority to bind corporation

Inghams Enterprises Pty Ltd v Hannigan [2020] NSWCA 82 – principles applicable to the proper construction of contractual dispute resolution and arbitration clauses as well as waiver

Ashton v Pratt [2015] NSWCA 12 – voidness of contract for being contrary to public policy; release, accord and satisfaction; undue pressure in contract; promissory estoppel and detrimental reliance

ASIC v Hellicar [2012] HCA 17 – breaches of directors' duties; whether duties of a Crown prosecutor apply to ASIC in civil penalty proceedings