

Michelle Hamlyn | Barrister

Murray Chambers

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Michelle appears in all courts and tribunals and in alternative dispute resolution processes, and accepts briefs to appear and advise in most areas of civil and commercial law. While she has particular specialist experience in defamation and media law, her other major practice areas include:

- Common Law Contract and Tort
- Consumer Law
- Corporations Law
- Employment & Industrial
- Equity
- Insolvency
- Intellectual Property
- Public & Administrative
- Real Property

Prior to joining the independent bar, Michelle enjoyed a broad and varied commercial practice within the Commercial Dispute Resolution team at a top tier national firm for over a decade. During that time, she also gained experience on secondment in-house with ABC Legal.

ADMISSIONS

SUPREME COURT OF SOUTH AUSTRALIA - 2008

HIGH COURT OF AUSTRALIA - 2008

SIGNED THE SOUTH AUSTRALIAN BAR ROLL - 2019

EDUCATION

BACHELOR OF LAWS AND LEGAL PRACTICE (HONS), FLINDERS UNIVERSITY, 2008

Graduated with First Class Honours

BACHELOR OF BIOTECHNOLOGY, FLINDERS UNIVERSITY, 2008

PROFESSIONAL MEMBERSHIPS

South Australian Bar Association

Law Society of South Australia

- LSSA Civil Litigation Committee
- LSSA Administrative Law Committee

Women Lawyers Association of South Australia

WORK HISTORY

MINTERELLISON ADELAIDE

2006 – 2019

Senior Associate from July 2012

AUSTRALIAN BROADCASTING CORPORATION, SYDNEY

July – October 2015

Secondment with ABC Legal

CROWN SOLICITORS OFFICE

2007-2008

Clerkship

EXAMPLES OF EXPERIENCE

COMMERCIAL LITIGATION

- Acting for importers of internationally manufactured farming equipment in relation to product liability complaints pursued in the District Court of New South Wales and the Supreme Court of New South Wales as a representative action, instructing (and now led by) Ruth Higgins SC and Zoe Hillman
- Acting as junior counsel (previously as a solicitor advocate and now led by Mark Douglas) for a Philippines Corporation on a highly contested application to set aside an aged default judgment in the Supreme Court of South Australian, on grounds including lack of jurisdiction and procedural irregularity (decision pending)
- Acted (as solicitor) for public officers in respect of investigations and findings reached by the South Australian Ombudsman under the *Independent Commissioner Against Corruption Act 2012*, and separately advised media organisations in relation to publication restrictions under the ICAC Act
- Acted (as solicitor) for the Synod of a church organisation in respect of a personal injury claim by a former resident of a children’s care facility between the 1940’s and 1960’s
- Acted (as solicitor) in various disputes between directors and shareholders of Australian proprietary companies, and partners in commercial partnerships, including in respect of shareholder oppression claims, statutory derivative actions, allegations of breach of statutory and fiduciary duties, claims for accounts of profits and equitable relief, and applications for access to books and records, and often involving employment issues
- Acted (as solicitor) for a Responsible Entity managing investment schemes for investors, and its directors, throughout an extended investigation by the ATO, and to successfully negotiate an acceptable commercial outcome in ensuing litigation in the Federal Court (see *Commissioner of Taxation of the Commonwealth of Australia v Barossa Vines Ltd* [2014] FCA 20; *Barossa Vines Limited v Commissioner for Taxation* [2012] FCA 579)
- Acted (as solicitor) in various leasing, contractual and construction disputes for a major supermarket chain, including matters involving Worker’s Liens, including claims for specific performance and injunctive relief
- Acted (as solicitor) in various contested estates matters involving complex deceased estates with significant business interests, and/or *Inheritance (Family Provision) Act* claims

DEFAMATION AND MEDIA

- Regularly provides risk-minimisation advice prior to publication to national media organisations, including as trusted overflow support to high-performing in-house teams, and in respect of publications in print, online, on social media, by radio and television
- Regularly acts for media organisations and other clients to defend and/or resolve complaints received alleging publication of defamatory or otherwise contentious material, both in order to avoid Court proceedings, and through highly contested Court matters involving extensive interlocutory dispute
- Acted as junior counsel (as a solicitor advocate) to successfully defend a personal defamation matter on qualified privilege grounds, and retain a positive outcome on appeal (see *Stone v Moore* [2016] SASFC 50)
- Acted as junior counsel (as a solicitor advocate) on a high profile application for injunctive relief against the ABC to prevent an alleged breach of trademark (see *Educational Broadcasters Adelaide Incorporated v Australian Broadcasting Corporation* [2016] FCA 1502)
- Regularly acts for and advises media organisations in relation to suppression orders and statutory publication restrictions