



Michael Collins, Barrister

Francis Burt Chambers
Level 23, Allendale Square
77 St George's Terrace
Perth WA 6000

T: +61 8 9220 0557 F: +61 8 9325 9008
E: mcollins@francisburt.com.au

Areas of Practice

Building and Construction
Engineering
Contract
Corporations
Insurance

Maritime
Negligence
Property
Tax
Trade Practices

Overview

Before joining Francis Burt Chambers as a barrister, Michael was a solicitor and senior associate at Clayton Utz Lawyers in Perth (2000-2011). His practice at Clayton Utz involved commercial and civil litigation, with particular emphasis on large scale construction and engineering disputes.

Experience

Michael practises primarily in commercial litigation. He has represented many leading Australian and international companies as well as statutory corporations. He has extensive experience in typical construction claims (e.g. claims for extensions of time, variations, delay damages, defective works, provisional sums and latent conditions) as well as contractual, statutory and trade practices matters. Some recent examples of matters in which Michael has advised and represented clients are:

- an international arbitration under the UNCITRAL Arbitration Rules concerning the construction and refurbishment of a gold processing facility in Africa under an EPCM contract (acting for the principal). The matter involved breaches of contract and allegations of misleading or deceptive conduct under the Trade Practices Act.
- WA Supreme Court proceedings concerning the construction of commercial premises under a cost-plus contract (acting for the contractor). The matter involved breach of contract, rectification of defects, negligence and misleading or deceptive conduct.
- State Administrative Tribunal proceedings concerning the construction of mining plant in the Pilbara (acting for the principal). The matter involved an appeal under the Construction Contracts Act 2004.
- a domestic arbitration concerning the construction of commercial premises under General Conditions of Contract AS 2124 (acting for the contractor). The matter involved design defects and claims for extensions of time, delay damages and variations.
- WA Supreme Court proceedings defending allegations of misleading or deceptive conduct under the Trade Practices Act in relation to General Conditions of Contract AS 2124 (acting for the contractor).
- Victorian Supreme Court proceedings concerning the design and construction of 3

mineral processing plants in Victoria under an EPC contract (acting for the principal). The matter involved claims relating to provisional sums, variations, breach of warranties, latent conditions and sub-contractor claims as well as claims of misleading or deceptive conduct.

- a domestic arbitration concerning the processing of mineral sands under a mining services agreement (acting for the principal). The matter involved breaches of contract and an appeal to the WA Supreme Court.
- a domestic arbitration concerning the construction of an oil refinery in Papua New Guinea (acting for the contractor). The matter involved breaches of contract and design defects.
- WA Supreme Court proceedings concerning the construction of a townhouse development under an ABIC 2003 Major Works Contract (acting for the principal). The matter involved breaches of contract, claims for extensions of time, variations, delay damages and quantum meruit.
- WA Supreme Court proceedings concerning the construction of a bulk liquids jetty under a design and construct contract (AS 4902) (acting for the principal). The matter involved claims for breach of contract, extensions of time, delay damages and misleading or deceptive conduct.
- advising port authorities and other statutory corporations in relation to corporate governance issues and directors' duties.
- advising principals in relation to public liability insurance issues.
- advising a statutory corporation in relation to directors' and officers' insurance.
- acting for contractors in relation to professional indemnity insurance issues.

In addition to the above, Michael studied Maritime Law at Masters level and has the following experience:

- advising charterers of vessels in relation to time and voyage charterparties (Supplytime 89, Heavycon and Shelltime 4).
- advising a supplier in relation to the arrest of a vessel under the Admiralty Act 1988.
- advising owners and charterers of vessels in relation to P&I insurance issues.
- advising vessel owners in relation to ship registration requirements under the Shipping Registration Act 1981.
- advising a vessel owner in relation to design and construction issues with lengthening two RO/RO vessels.

Professional Qualifications

Bachelor of Laws (Murdoch University) 1998
Bachelor of Commerce (Accounting and Finance) 1998
Master of Laws (University of Queensland) 2004

Admitted to Practice

Supreme Court of Western Australia (2000)
Federal and High Courts of Australia (2000)

Professional Affiliations

Law Society of Western Australia
LEADR Association of Dispute Resolvers
Western Australian Bar Association