



HERBERT
SMITH
FREEHILLS



MICHAEL PRYSE

PARTNER

[Melbourne](#)
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Michael has practised in commercial litigation for almost three decades in Australia and London.

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BACKGROUND

Michael graduated from the University of Melbourne in 1980 with a Bachelor of Laws (Honours) and a Bachelor of Commerce. He also undertook a Masters course in restrictive trade practices at Monash University.

He has presented papers on restrictive trade practices at the Leo Cussen Institute and the Business Law Education Centre in Melbourne, and in a televised trade practices 'hypothetical' panel discussion.

KEY SERVICES

[Commercial Litigation](#)
[Dispute Resolution](#)

KEY SECTORS

[Mining](#)
[Energy](#)

EXPERIENCE

Michael adopts a commercial, street-wise approach, recognising that litigation is often part of a broader commercial picture. In the early stages of each brief, he explores the prospects of commercial settlement as a possible alternative to litigation. He has appeared, with and without counsel, in a number of high-profile and complex mediations.

Michael has a special interest in trade practices and in-depth knowledge of the Australian Competition and Consumer Commission (ACCC), having worked for and against it at separate times on a number of major matters. He also has a comprehensive understanding of restrictive trade practices, and the prohibition on misleading and deceptive conduct.

TRADE PRACTICES

- principal conduct of the Part IV claims for Channel Seven against multiple defendants in relation to the loss of its pay TV channel
- Adshel against its principal competitor in respect of claims under Part IV of the Trade Practices Act 1974 including conduct of a 15-week trial and ultimate commercial resolution
- a major food manufacturer in an application by primary producers to authorise collective bargaining, including an appeal against the authorisation and reaching a commercial resolution
- acting for the ACCC in prosecuting claims under section 46 of the Trade Practices Act 1974 against the Bureau of Meteorology.

COMMERCIAL LITIGATION

- Transurban on litigation arising out of the CityLink project in Melbourne, Victoria
- acting for Timbercorp's financier in the successful defence of an investor class action against Timbercorp
- acting for a major electricity provider in the Kilmore East bushfires class action
- Commonwealth Scientific and Industrial Research Organisation (CSIRO) in a major dispute concerning the commercialisation of certain anti-counterfeiting technology
- Energy Resources Australia (ERA) in proceedings concerning the Ranger Uranium Mine,

in which the Northern Land Council sought to set aside ERA's right to mine, and in three sets of proceedings commenced by Indigenous land owners seeking to prevent the Jabiluka Uranium Mine

MEDIATIONS

- without counsel on behalf of ERA in a five-day mediation before Sir Ninian Stephen, a former High Court Judge and Governor-General of Australia, involving a dispute between ERA, the Commonwealth and the Northern Land Council
- without counsel in a mediation before Sir Laurence Street, the former Chief Justice of the Court of Appeal of New South Wales, relating to major multi-party litigation representing one of the principal defendants.