

MICHAEL L. ROSE

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ACADEMIC QUALIFICATIONS

- 2011 – 2012 **INSOLVENCY LAW AND PROFESSIONAL PRACTICE EDUCATION PROGRAM
(ARITA/QUEENSLAND UNIVERSITY OF TECHNOLOGY)**
First in course: semester 2
- 2008 – 2010 **MASTER OF LAWS (UNIVERSITY OF NEW SOUTH WALES)**
Specialisation: Corporate and Commercial Law. High Distinction average.
▪ *Dean's List for highest mark – Corporate Insolvency Law*
▪ *Dean's List for highest mark – Globalisation and Commercial Law*
▪ *Dean's List for highest mark – Law, Culture and the International*
- 2004 – 2006 **BACHELOR OF LAWS (UNIVERSITY OF WOLLONGONG)**
- 2000 – 2003 **BACHELOR OF COMMERCE (UNIVERSITY OF SYDNEY)**
Majors: Finance and Economics

ADMISSIONS

- September 2014 Called to the New South Wales Bar (read with D Cook SC and P Dowdy)
- June 2007 Solicitor and Barrister of the High Court of Australia
- May 2007 Solicitor and Barrister of the Supreme Court of New South Wales

OTHER

Recommended counsel in insolvency and reconstruction law by Doyle's Guide (2016 and 2017).

PROFESSIONAL CAREER

- 2014 – date **BARRISTER, NEW SOUTH WALES BAR**
Representation and advisory practice in commercial disputes, insolvency & bankruptcy, banking, equity, building & construction, personal injury and administrative.
- 2012 – 2014 **SENIOR ASSOCIATE, NORTON ROSE FULBRIGHT AUSTRALIA**
▪ Extensive commercial litigation expertise in New South Wales and Federal Courts, including the High Court of Australia, and in appearing in New South Wales, Victorian and Federal Courts, including in Federal Court bankruptcy appeals.
▪ Acting for and advising major banks, financial institutions, insolvency practitioners and lenders in relation to security documents and complex enforcement issues, proceeds of crime matters, formal and informal restructures, and corporate and personal insolvency issues.
▪ Providing advice and acting in relation to technical insolvency disputes including priority issues, retention of title disputes, the scope and enforceability of securities and claims in relation to the recovery of voidable transactions.
- 2007 – 2012 **ASSOCIATE, NORTON ROSE AUSTRALIA** (predecessor firm to Norton Rose Fulbright Australia)
▪ Experience as detailed above.
- 2005 – 2006 **SUMMER CLERK, DEACONS** (predecessor firm to Norton Rose Fulbright Australia)

CASES: APPEARING

(selected)

- *Crawford, in the matter of North Queensland Heavy Haulage Services Pty Ltd (Administrators Appointed)* [2017] FCA 723: appearing for applicant on directions on entry into of loan agreement.
- *Parker, in the matter of Worldwide Specialty Property Services Pty Limited (in liq) v Worldwide Specialty Property Services Pty Limited (in liq)* [2017] FCA 687: application to extend time to bring preference claims.
- *Crawford, in the matter of North Queensland Heavy Haulage Services Pty Ltd (Administrators Appointed)* [2017] FCA 635: appearing for applicant on extension of convening period.
- *In the matter of Boart Longyear Limited* [2017] NSWSC 756: defence of injunction application.
- *National Australia Bank Limited v Hunwick and Anor (No. 2)* [2017] NSWSC 682: appearing for NAB on defence of stay applications.
- *In the matter of Production Printing (Aust) Pty Ltd (in liquidation)* [2017] NSWSC 505: (led by A Leopold SC) appearing for Hewlett Packard in relation to orders extending time for registration under the *Personal Property Securities Act*.
- *Goldstein v Shyzi* [2017] NSWSC 398: appearing for ANZ on application for judicial sale by equitable mortgagee.
- *Tonks, in the matter of PWG Holdings Pty Ltd (in liquidation)* [2017] FCA 246: application by liquidators for appointment as receivers of trust assets.
- *M & G Hoschke Pty Ltd v Cairns Sims* [2016] FCCA 3191: acted for defendant in resisting amendment.
- *Yakushiji v Daiichi Chuo Kisen Kaisha (No 2)* [2016] FCA 1277: application for termination of recognition of foreign proceedings under the *Cross-Border Insolvency Act*.
- *In the matter of Swan Services Pty Limited (in liquidation)* [2016] NSWSC 1724: (led by P Braham SC) defence of \$10 million insolvent trading claim.
- *Schwarz, in the matter of Gordon Smith Marketing Pty Ltd (Administrator Appointed)* [2016] FCA 1378: application by administrator to be appointed liquidator.
- *BCI Finances Pty Limited (in liq) v Binetter (No 4)* [2016] FCA 1351: acted for director in breach of duties claim.
- *Schwarz, in the matter of Gordon Smith Marketing Pty Limited (Administrator Appointed)* [2016] FCA 836: application to extend convening period.
- *In the matter of GPJ Investments Pty Limited and in the matter of Angelides Investments Pty Limited* [2016] NSWSC 1173: application by liquidators for payment of remuneration.
- *Neale v Commonwealth Bank of Australia Ltd trading as Bank of Western Australia* [2015] NSWCA 272: (led by P Dowdy) acted for CBA in opposing appeal against judgment obtained against debtor.
- *Eriksson v Melluish* [2015] FCCA 1223: acted for Trustee in opposing application by examinee to set aside summons.
- *Commonwealth Bank of Australia v James* [2015] NSWDC 68: acted for CBA on opposing application to set aside judgment.
- *Australian and New Zealand Banking Group Limited v Fisher* [2014] NSWSC 1643: acted for ANZ on opposing stay application.
- *Rahman v Dubs (No 2)* [2012] FCA 1081: successfully acted for the insured on appeal against making of sequestration order by the Federal Magistrates Court of Australia.
- *Rahman v Dubs* [2012] FCA 849: acted for the insured on the application by the debtor for a stay of creditor's petition.
- *Dubs v Rahman* [2012] FMCA 664: acted for the insured on the hearing of a contested creditor's petition.
- *Bank Of Western Australia Ltd v Robert Wise* [2011] FMCA 1042: acting for the Bank on the hearing of a contested creditor's petition.

CASES: APPEARING

(not published)

- *Bebrooz v Commonwealth of Australia (2016)*: acting for cross-defendant on claim relating to detention under the *Migration Act* (Supreme Court of New South Wales).
- *In the matter of Heavy Plant Leasing Pty Limited (2015)*: acting for examinees in liquidators' examinations (Supreme Court of New South Wales).
- *In the matter of Copperart Holdings Pty Ltd (Administrators Appointed) ACN 065 345 968 and Ors (2015)*: acting for administrators in obtaining orders extending convening period in complex administration (Federal Court of Australia).
- *Commonwealth Bank of Australia Limited v Eriksson (2013)*: acted for CBA on application to set aside bankruptcy notice (Federal Circuit Court of Australia).
- *Commonwealth Bank of Australia Limited ats Wise (2011)*: acted for CBA on application by debtor to stay and set aside judgment (Supreme Court of New South Wales).
- *Commonwealth Bank of Australia Limited ats Wise (2011)*: acted for Bank on application by debtor to set aside bankruptcy notice (Federal Magistrates Court of Australia).

PUBLICATIONS

(selected)

- "Bankrupt New Zealander bankrupt in Australia" (2012) 12 (5) *Insolvency Law Bulletin* 118 (with Dr. David Goldman).
- "New Zealand liquidators obtain search warrant in Australia" (2011) 12 (2) *Insolvency Law Bulletin* 44 (with Dr. David Goldman).
- "Claims Presentation and Resolution in Insolvency Proceedings: Australia" chapter published in *Claims Presentation and Resolution in Insolvency Proceedings* (2008) Insol International (with Dr. David Goldman).