

# Dr Michael Douglas

Barrister

Call: 2025

Admitted: 2013

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## Overview

Dr Michael Douglas is a barrister with specialist expertise in defamation, torts and the conflict of laws. Michael's background is in commercial litigation and media law. He accepts briefs in all areas of law.

Prior to joining the bar, Michael was a Consultant at Bennett, where he regularly drafted submissions for matters in superior courts and worked on several high-profile matters.

Michael regularly advises on complex legal questions, drawing on his background as a legal academic. At the University of Sydney, UWA and Curtin, Michael taught conflict of laws, federal jurisdiction, procedure, media law, torts, property, and equity, among other subjects. His writing on the law has been cited by superior courts, including the High Court of Australia.

He obtained his doctorate from the University of Sydney, where he was supervised by Professor David Rolph and researched on exchange at Harvard Law School. His dissertation was on 'Forum Shopping in Australian Defamation Litigation'. Michael obtained his undergraduate degrees and an MBA(Dist) from UWA through full-ride academic scholarships, including a Fogarty Foundation Regional Scholarship.

Michael has co-authored and co-edited 5 books, 2 of which are the leading text in the discipline. They include the latest edition of *Nygh's Conflict of Laws in Australia*, co-authored with the Hon Andrew Bell, Chief Justice of New South Wales.

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## Previous experience

2018–2025	Consultant, Bennett (commercial litigation; defamation; media litigation)
2018–2024	Senior Lecturer, UWA Law School, UWA
2016–2018	Lecturer, Sydney Law School, University of Sydney
2014–2016	Associate Lecturer and Lecturer, Curtin Law School, Curtin University
2008–2014	Research Clerk, Articled Clerk and Solicitor, Lavan Legal (litigation; media)

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## Qualifications

Doctor of Philosophy (law), University of Sydney (2022)

Master of Business Administration with Distinction, University of Western Australia (2016)

Master of Laws with Distinction, University of Western Australia (2014)

Bachelor of Arts (Honours) (philosophy), University of Western Australia (2012)

Bachelor of Arts and Bachelor of Laws, University of Western Australia (2011)

## Memberships and service roles

Ordinary Member of Council, Law Society of Western Australia (2025)

Editor of *Brief*, journal of the Law Society of Western

Member of Council, Trinity Residential College, UWA

Vice-President (Australia), Australasian Association of Private International Law

Editor (Australia), *ConflictofLaws.Net*

Member, Communications and Media Law Association

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## Recent matters

Michael is new to the Bar. At Bennett, his experience included:

- *Lazos v West Australian Newspapers Ltd [No 2]* [2024] WASC 238 (led by M Bennett at trial) [defamation]
- *Aguasa v Hunter* [2024] WASC 380 (unled) [defamation and choice of law]
- *Thillagaratnam v Law Complaints Officer as Delegate of the Legal Profession Complaints Committee* [2024] WASCA 73 (unled) [leave to appeal against SAT decision]
- *Terzi and Dental Board of Australia* [2024] WASAT 52 (led by M Bennett) [professional regulation]
- *Bartlett v Roffey* [2023] WASC 3 (led by J MacLaurin SC) [defamation and cross-vesting]

Michael regularly contributed to litigious matters as a member of a team, usually by drafting submissions. That work included, by way of illustration:

- *Doble v Chaffey Services Pty Ltd* [2025] WASCA 3 [breach of Corporations Act duties, breach of equitable duties, and assessment of remedies]
- *Pigozzo v Mineral Resources Ltd* [2022–2024 FCA; breach of employment, Corporations Act, equitable duties; various open justice issues]
- *McIntosh v Peterson [No 2]* [2024] WASC 428 [defamation and torts]
- *Thillagaratnam v Law Complaints Officer as Delegate of the Legal Profession Complaints Committee* [2023] WASAT 118 [professional regulation]
- *Murray Riverside Pty Ltd v Toscana (WA) Ravenswood Estate Pty Ltd* [2022] WASCA 67 [procedure]
- *Jensen v Nationwide News Pty Ltd [No 13]* [2019] WASC 451 [defamation]
- *Mighty River International Limited v Hughes* (2018) 265 CLR 480 [insolvency]
- *Ooranya Pty Ltd v ISPT Pty Ltd* [2018] WASC 256 [nuisance and economic torts]
- Acted for a resources company in relation to breach of confidence, breach of fiduciary duty, knowing assistance claims (settled)
- Acted for a company in the defence industry advising on construction of a long-term contract

## Selected publications

### Books:

- Martin Davies, Andrew Bell, Paul Brereton and Michael Douglas, *Nygh's Conflict of Laws in Australia* (LexisNexis, 10<sup>th</sup> ed, 2019)
- Michael Douglas, Vivienne Bath, Mary Keyes and Andrew Dickinson (eds), *Commercial Issues in Private International Law: A Common Law Perspective* (Hart Publishing, 2019)
- John Eldridge, Michael Douglas and Claudia Carr (eds), *Economic Torts and Economic Wrongs* (Hart Publishing, 2021)
- David Rolph, Jason Varuhas, Penny Crossley and Michael Douglas, *Balkin & Davis Law of Torts* (LexisNexis, 6<sup>th</sup> ed, 2021)
- David Rolph, Matt Vitins, Judith Bannister, Daniel Joyce, Jason Bosland, Michael Douglas and Jonathan Gill, *Media Law – Cases and Materials* (LexisNexis, 6<sup>th</sup> ed, 2022)

### Articles, notes and chapters:

- Michael Douglas, 'Long-Arm Jurisdiction Over Foreign Tech Companies "Carrying on Business" Online: *Facebook Inc v Australian Information Commissioner*' (2023) 45(1) *Sydney Law Review* 109
- Michael Douglas, Catherine Graville and Robyn Carroll, 'The Evolution and Devolution of the Offer to Make Amends Regime in Australian Defamation Law' (2023) 46(3) *UNSW Law Journal* 1063
- Michael Douglas, 'Compelling Production of a Defamatory Draft' (2023) 97(5) *Australian Law Journal* 337
- Michael Douglas, 'The Limits of Our Tolerance For Acts of Foreign States: The Legacy of *Kuwait Airways (Nos 4 and 5)*' in Sarah McKibbin and Anthony Kennedy (eds), *The Common Law Jurisprudence of the Conflict of Laws* (Hart Publishing, 2023) ch 9
- Michael Douglas, 'Publication of defamation by encouraging third party comments on social media' (2022) 138(Jul) *Law Quarterly Review* 362
- Michael Douglas and Nilan Ekanayake, 'Extraterritorial Freezing Orders' (2022) 49(1) *Brief* 34
- Michael Douglas, 'Defamation Actions and Australian Politics' [2021] 5 *University of New South Wales Law Journal Forum* 1
- Michael Douglas, 'Pleading Tortious Conspiracy' (2020) 48(3) *Australian Bar Review* 306
- Michael Douglas, 'Choice of Law in the Age of Statutes: A Defence of Statutory Interpretation after *Valve*' in Michael Douglas, Vivienne Bath, Mary Keyes and Andrew Dickinson (eds), *Commercial Issues in Private International Law: A Common Law Perspective* (Hart Publishing, 2019)
- Michael Douglas, 'Party Scope of Jurisdiction and Arbitration Agreements' [2019] *Lloyd's Maritime & Commercial Law Quarterly* 525
- Michael Douglas, Mary Keyes, Sarah McKibbin and Reid Mortensen, 'The HCCH Judgments Convention in Australian Law' (2019) 47(3) *Federal Law Review* 420
- Michael Douglas, 'A Global Injunction Against Google' (2018) 134 *Law Quarterly Review* 181
- Michael Douglas, 'Characterisation of Breach of Confidence as a Privacy Tort in Private International Law' (2018) 41(2) *University of New South Wales Law Journal* 490

- Michael Douglas, ‘Extraterritorial Injunctions Affecting the Internet’ (2018) 12(1) *Journal of Equity* 34
- Michael Douglas and Vivienne Bath, ‘A New Approach to Service Outside the Jurisdiction and Outside Australia under the Uniform Civil Procedure Rules’ (2017) 44(2) *Australian Bar Review* 160
- Michael Douglas, ‘Anti-Suit Injunctions in Australia’ (2017) 41(1) *Melbourne University Law Review* 66
- Michael Douglas, ‘Characterisation of a Foreign Maritime Lien by the Lex Fori’ (2017) 17(1) *Oxford University Commonwealth Law Journal* 152
- Michael Douglas and Claudia Carr, ‘The Commercial Exceptions to Foreign State Immunity’ (2017) 45(3) *Federal Law Review* 445
- Michael Douglas, ‘The Media’s Standing to Challenge Departures from Open Justice’ (2016) 37(1) *Adelaide Law Review* 69
- Michael Douglas, ‘“Their evil lies in the grapevine effect”: Assessment of Damages in Defamation by Social Media’ (2015) 20(4) *Media and Arts Law Review* 367

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### **Selected speeches**

- ‘The Limits of Open Justice in Commercial Litigation: A Reply to Justice Lee’ (Speech to the Anglo-Australasian Lawyers Society, Black Label Series Seminar, Perth, 6 November 2024)
- ‘Defamation: Five Things We Hate About You’ (Panel presentation at the Piddington Society Bali Conference, 1 June 2024) (panel with Jason MacLaurin SC, Rachael Young SC, chaired by Demi Swain)
- ‘Piercing the Jurisdictional Veil of Digital Platforms “Carrying on Business” Online’ (Speech delivered at 9<sup>th</sup> Journal of Private International Law Conference, Yong Pung How School of Law, Singapore Management University, Singapore, 3 August 2023)
- ‘Select Aspects of Forum Shopping in Australian Defamation Litigation’ (Panel presentation at the event on ‘Current Perspectives on Defamation Law and Defamation Law Reform’, hosted by Bennett and UWA Private and Commercial Law Research Cluster, 7 December 2022) (panel with Sue Chrysanthou SC and Professor David Rolph, chaired by Martin Bennett)
- ‘Facebook’s Fight to Resist an Aussie Court’s Jurisdiction to Hold it Accountable for Cambridge Analytica’ (Presentation to staff of the Office of the Information and Privacy Commissioner for British Columbia and the University of British Columbia, Canada, 21 October 2022)
- ‘The Limits of Lawyers’ Freedom of Expression on Social Media’ (Speech to the Law Society of Western Australia, 22 March 2022)
- ‘Recognition and Enforcement of Foreign Judgments’ (Speech to the Australian Lawyers Alliance, 3 November 2021)
- ‘The Continued Relevance of the Territorial Presumption’ (Speech delivered at 8<sup>th</sup> Journal of Private International Law Conference, Faculty of Law, University of Munich, Germany, 14 September 2019)
- ‘Choice of Law in the Age of Statutes’ (Speech delivered at the HLS VSVR (Visiting Scholar / Visiting Researcher) Colloquium, Harvard Law School, Cambridge, MA, USA, 14 November 2018)
- ‘Cross-border Privacy Wrongs and Choice of Law’ (Speech delivered at the 7<sup>th</sup> Journal of Private International Law Conference 2017, Rio de Janeiro, Brazil, 3 August 2017)