

Dr Michael Douglas

Barrister

Call: 2025 | Admitted: 2013

Overview

Dr Michael Douglas practises in commercial litigation and media law. He has specialist expertise in defamation, torts and the conflict of laws. 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 was previously a legal academic. His teaching and research included the 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.

Michael's university studies were supported by full-ride academic scholarships, including a Fogarty Foundation Regional Scholarship. He attended Harvard Law School as a PhD exchange student. He has co-authored and co-edited 5 books, 2 of which are the leading text in their disciplines. They include the latest edition of *Nygh's Conflict of Laws in Australia*.

Michael was awarded the Chief Justice's Prize for the Best Performed Reader in the 2025 Bar Readers' Course.

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)

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)

Further relevant professional development

Piddington Society programs in civil litigation and family law advocacy (2025 – present)

Hague Academy of International Law summer program in private international law (2015)

Memberships and service roles

Ordinary Member of Council, Law Society of Western Australia

Editor -at-large, *Brief*, the online publication (formerly journal) of the Law Society of Western

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

Editor (Australia), *Conflict of Laws.Net*

Member, Communications and Media Law Association

Member of Council, Trinity Residential College, UWA

General Editor, *Media & Arts Law Review* (2018 – 2021)

Reporter, New South Wales Law Reports (2017 – 2021)

Member, World Economic Forum Global Shapers Community (2013 – 2017)

Army Reservist, Australian Defence Force (2010 – 2013)

President, National Association of Australian University Colleges (2007 – 2009)

Recent matters

Since joining the bar, Michael has appeared unled in trials and appeals. He has worked on a wide variety of matters, which has encompassed the following:

- Defamation, including matters in the Supreme Court and the Court of Appeal;
- Various commercial disputes, including construction disputes;
- Insurance, including personal injury and professional indemnity matters;
- Insolvency disputes;
- Family law disputes, especially section 79 property matters;
- Family provision litigation;
- Open justice issues;
- Public law issues in the context of the areas described above; and
- Minor criminal law matters.

At Bennett, Michael's 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

PhD dissertation:

- Michael Douglas, ‘Forum Shopping in Australian Defamation Litigation’ (The University of Sydney, 2022)

Books:

- Martin Davies, Andrew Bell, Paul Brereton and Michael Douglas, *Nygh’s Conflict of Laws in Australia* (LexisNexis, 10th 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, 6th ed, 2021)
- David Rolph, Matt Vitins, Judith Bannister, Daniel Joyce, Jason Bosland, Michael Douglas and Jonathan Gill, *Media Law – Cases and Materials* (LexisNexis, 6th 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

Selected speeches

- ‘Resolving Conflicts of Laws by Force’ (Speech to the 20th Anniversary Journal of Private International Law Conference, University College London, 13 September 2025)
- ‘They Not Like Us: Drake, Kendrick, and Celebrity Defamation in Australia and Abroad’ (Speech to the Piddington Society Balie Conference, Bali, 31 May 2025)
- ‘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 9th 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 8th 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 7th Journal of Private International Law Conference 2017, Rio de Janeiro, Brazil, 3 August 2017)