



**ROBERT
PIETRICHE**

Barrister

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**ADMISSIONS AND
QUALIFICATIONS**

Barrister: 2019

Solicitor: 2016

University of Sydney, Bachelor of Law (Hons 1) (2014)

University of Sydney, Bachelor of Economics (2011)

EXPERIENCE

2019

Barrister, Banco Chambers

2016 - 2019

Herbert Smith Freehills

Solicitor practising in Dispute Resolution; Competition, Regulation & Trade; Property

2014 - 2015, 2016 - 2018

University of Sydney

Adjunct Lecturer and Coach (Philip C Jessup International Law Moot Court Competition) - Australian National Champions and World Champions 2015; Law Tutor and Examiner in Contracts and Torts & Contracts II

2014 - 2016

Supreme Court of New South Wales

Tipstaff to the Hon Justice MF Adams (Nov 2014 - Jan 2015), the Hon Justice PLG Brereton AM RFD (Jan 2015 - Jan 2016) and the Hon Justice G Lindsay (Jan 2016)

AWARDS

Ranked 1st at graduation in LLB

Nancy Gordon Smith Prize for Honours (awarded to top 5 LLB candidates at graduation)

Ian Joye Prize in Law

Playfair Prize in Migration Law

National Champion and International Run-Off Rounds Finalist, Philip C Jessup International Law Moot

NSW Justices' Association Prize in Administrative Law

Pitt Cobbett Prize for Administrative Law

Recipient of the Zoe Hall Scholarship

Aaron Levine Prize for Criminal Law

Walter Reid Memorial Prize for Proficiency in Law

University of Sydney Academic Merit Prize

PUBLICATIONS

Patrick Gay and Robert Pietriche, 'Amendments to the Competition and Consumer Act 2010 (Cth), *Herbert Smith Freehills Latest Thinking* (October 2017)

Patrick Gay and Robert Pietriche, 'ACCC v Medibank Private Limited: Court finds no misrepresentation in regards to out-of-pocket expenses', *Herbert Smith Freehills Latest Thinking* (September 2017)

Patrick Gay and Robert Pietriche, 'Misuse of Market Power Bill passed', *Herbert Smith Freehills Latest Thinking* (August 2017)

Robert Pietriche, 'The Ascendancy of the *Lex Loci Delicti*: The Problematic Role of Theory in Australian Choice of Tort Law Rules' (2015) 16(1) *Melbourne Journal of International Law* 86

SELECTED CASES (AS A SOLICITOR)

Competition and Regulation

Application by Tabcorp Holdings [2017] 1 ACompT 1; *Application by Tabcorp Holdings (No 2)* [2017] 1 ACompT 5 (for Tabcorp Holdings Ltd) - competition law; merger authorisation

ACCC v Australian Competition Tribunal [2017] FCAFC 150; *CrownBet v Australian Competition Tribunal* [2017] FCAFC 157 (for Tabcorp Holdings Ltd) - competition law; judicial review

Lavecky & Anor v Visa Inc & Ors (Federal Court Proceedings NSD 557/2016; for the Visa Inc Respondents; settled) - competition law; damages for contraventions of Part IV of the *Competition and Consumer Act 2010* (Cth)

Representative Proceedings / Class Actions

Lynch v Cash Converters Personal Finance Pty Ltd (Federal Court Proceedings NSD 900/2015; for the Cash Converters Respondents; settled) - class actions; consumer credit; unconscionable conduct

McKenzie v Cash Converters International Ltd (Federal Court Proceedings NSD 601/2016; for the Cash Converters Respondents; settled) - class actions; consumer credit; unconscionable conduct

McKenzie v Cash Converters International Ltd (No 4) [2019] FCA 166 (for the Cash Converters Respondents) - settlement approval

Corporations, Superannuation and Insolvency

In the matter of Keystone Group Holdings Pty Ltd (recs and mgrs apptd) (admins apptd) & Ors [2016] NSWSC 1604 (for the Receivers) - corporations law; voluntary administration

McBain v Bellamy's Australia Ltd; Bellamy's Australia Ltd v McBain [2018] NSWSC 1152 (for Bellamy's Australia Ltd) - termination payments to executive officer and member approval under the *Corporations Act 2001* (Cth)

Qantas Superannuation Ltd v McAulay [2019] FCA 109 (for Qantas Superannuation Ltd) - appeal from Superannuation Complaints Tribunal; judicial review; construction of superannuation trusts

Property

Mouhajer v ANZ Wealth Australia Ltd, ANZ Wealth Australia Ltd v Mouhajer (NCAT File No. COM 19/0001531, COM 19/01532, COM 19/00019; for ANZ Wealth Australia Ltd; settled) – expiry of sublease under *Retail Leases Act 1994* (NSW)

**SELECTED CASES
(AT THE BAR)**

Competition and Regulatory

Vodafone Hutchison Australia v ACCC & Anor (Federal Court Proceedings NSD818/2019; Instructed by Herbert Smith Freehills for TPG Telecom Ltd; led by RCA Higgins SC, D Roche, C Bannan and P Strickland) – application for declarations that proposed merger would not contravene s 50 of the *Competition and Consumer Act 2010* (Cth)

Commissioner for Fair Trading v Bowes Street Developments Pty Ltd & Ors (ACTSC Proceedings 415/2019; Instructed by Meyer Vandenberg Lawyers for Bowes Street Developments Pty Ltd and other Defendants; led by RCA Higgins SC) – misleading or deceptive conduct; unfair contract terms

Appearing at s 155(1)(c) examination in confidential ACCC investigation into potential civil cartel contraventions (unled)

Criminal Law and High Risk Offenders

ACCC v ANZ & Ors (Local Court Proceedings 2018/175183; Instructed by Horton Rhodes; led by P Boulten SC, R Dick SC and C Withers) – competition law; cartel offences

Turner v State of NSW [2019] NSWCA 164 (Instructed by NSW Crown Solicitor's Office for the State of NSW; led by J Emmett) – high risk offenders; renewal of interim detention orders

Corporations and Insolvency

Rural Funds Management Ltd (ACN 077 492 838) as responsible entity for the Rural Funds Trust and RF Active v Bonitas Research LLC & Anor (NSWSC Proceedings 2019/286421; Instructed by Clayton Utz for Rural Funds Management Ltd; led by C Withers) – misleading or deceptive conduct; market manipulation

Hastie Group Ltd v Multiplex & Ors (Federal Court Proceedings VID1277/2017; Instructed by Colin Biggers & Paisley for Scentre Management Ltd and Scentre Design & Construction Pty Ltd; led by V Whittaker SC) – liquidators' application for judicial advice

ACN 078 272 867 Pty Ltd (in liq) (formerly Advance Finances Pty Ltd) & Anor v Gary Robert Binetter & Ors (Federal Court Proceedings NSD2171/2016; Instructed by Arnold Bloch Leibler for Mercantile Discount Bank and Israel Discount Bank; led by J Kirk SC, T O'Brien and O Jones; settled) – winding up in insolvency; breach of director's duties; *Barnes v Addy* liability

In the matter of ACN 604 991 488 Pty Ltd (in liq) (formerly BHI Services Pty Ltd) (Federal Court Proceedings NSD1132/2019;

Instructed by Colin Biggers & Paisley for the examinees; unled) - winding up in insolvency; liquidator's examination

In the matter of Ad Astra Institute Pty Ltd (ACN 611 629 693) (NSWSC Proceedings 2019/00231260; Instructed by Nicholsons Lawyers & Consultants for supporting creditor; unled) - winding up application

Public Law

Greyhound Racing New South Wales v Leslie (NSWSC Proceedings 2019/00350717; Instructed by Automic Legal Pty Ltd for the Directors of the Dapto Dogs Greyhound Racing Club; led by R McHugh SC and R Yezerki; settled) - administrative law; judicial review

Professional Negligence

Sherilyn Pty Ltd v Ganellen Pty Ltd & Ors (NSWSC Proceedings 2017/00230714; Instructed by Colin Biggers & Paisley for Calibre Consulting Pty Ltd; unled) - building and construction; liability of structural engineer for damage to adjacent property

Roger and Rhonda Humphry v Strategic Environmental and Engineering Consulting (SEEC) Pty Ltd (NSWSC Proceedings 2018/343605; Instructed by Colin Biggers & Paisley for SEEC; unled) - building and construction; liability of geotechnical engineer for landslip on construction site

Commercial

Goodman Fielder Consumer Foods Pty Limited and Goodman Fielder New Zealand Limited v GrainCorp Foods Australia Pty Ltd and GrainCorp Foods NZ Limited (Supreme Court of New South Wales Proceeding 2017/177732; Instructed by Herbert Smith Freehills for Goodman Fielder; led by V Whittaker SC and M Ellicott) - breach of contract; contract damages

Land and Environment

Coles Group Property Developments Ltd v Blacktown City Council (NSWLEC Proceedings 2018/00197119; Instructed by Marsdens Lawyers for Blacktown City Council; led by C McEwen SC; settled) - Class 1 proceedings

Industrial Relations and Employment

Chandrasekaran v Western Sydney Local Health District & Anor (NSWSC Proceedings 2018/177874; Instructed by NSW Crown Solicitor's Office for the Western Sydney Local Health District; led by T Wong SC) - termination of locum placement

Budde v The Trustee for CKM Unit Trust t/as Koorungal Road Surgery (Federal Circuit Court of Australia Proceedings SYG1192/2019; Instructed by Walsh & Blair Lawyers for the Trustee for CKM Unit Trust; unled) - industrial relations; dismissal in contravention of a general protection

Interlocutory

Chandrasekaran v Western Sydney Local Health District & Anor [2019] NSWSC 1231 (Instructed by NSW Crown Solicitor's Office for the Western Sydney Local Health District; unled) – contempt

National Australia Bank Ltd v Nautilus Insurance Pte Ltd & Ors (No 2) [2019] FCA 1543 (Instructed by King & Wood Mallesons; led by V Whittaker SC) – application for summary dismissal and strike-out

Advisory

Advice as to obligations with respect to the disclosure or use of personal information or communications under the *Telecommunications Act 1997* (Cth)

Advice as to compliance with the *Spam Act 2003* (Cth)

Advice as to compliance with the *Legal Profession Uniform Law (NSW)*

Advice regarding prospects of successful criminal prosecution of development approval offence provisions under the *Environmental Planning and Assessment Act 1979* (NSW)

Advice regarding the validity of the issue of preference shares and rectification under s 254E of the *Corporations Act 2001* (Cth)