



PETER STRICKLAND

Barrister

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AREAS OF PRACTICE

Before coming to the Bar in 2017, Peter had over 10 years' experience as a competition & consumer law specialist. Peter's core practice areas are:

Appellate
Administrative & public Law
Competition & consumer Law (including criminal cartel prosecutions)
Commercial
Corporations & insolvency
Equity
Regulatory proceedings
Representative proceedings & class actions

EXPERIENCE

May 2017 – present	Barrister, Banco Chambers <i>Doyles Guide: Leading Competition Law Junior Counsel – Australia (2021)</i>
February 2005 – April 2017	Senior Associate/Solicitor, Herbert Smith Freehills Acted in major competition law / regulatory disputes and investigations.
February 2004 – February 2005	Associate to Justice Hill, Federal Court of Australia

QUALIFICATIONS

May 2017	Admitted to NSW Bar
December 2005	Solicitor, Supreme Court of NSW
1998 - 2003	University of Sydney (final semester at Queens University, Canada) LLB (First Class Honours)
1998 - 2001	University of Sydney B.Com (Econ) (First Class Honours & University Medal)

Prizes

E. Trenchard Miller Memorial Scholarship (1998); Frank Albert Prize for first year (1998); ASCPA Prize in Accounting 1B (1998); The Mitchell Nahas Prize (first year law) (1998); Donald George Crew Memorial Prize for Economics III (2000); Commonwealth Bank undergraduate scholarship in Economics (2000); Dean's list of excellence in academic performance (2000); Economic Society Prize in Economics (2001); The Joye Prize in Economics (2001); Randolph G Rouse Prize in Economics (2001); Dean's list of excellence

in academic performance (2001); College of Humanities and Social Sciences student travel scholarship (law exchange) (2003)

SELECTED CASES

COMPETITION & CONSUMER LAW

Briefed to advise on various Part IV, Australian Consumer Law and cartel related issues and ACCC investigations, both for private clients and the ACCC, including appearing on behalf of individuals at s 155 examinations

R v The Country Care Group Pty Ltd, Federal Court, VID224/2019 (Led by KC Morgan SC)
Successfully defended first accused in a criminal cartel offence jury trial in March to June 2021

Australian Competition and Consumer Commission v BlueScope Steel Limited, Federal Court, VID932/2019 (Led by CA Moore SC, with R Pietriche)
Cartel pecuniary penalty proceedings – judgment reserved

R v Citigroup Global Markets Australia Pty Ltd, Federal Court, NSD1316/2020 (Led by CA Moore SC, D Jordan SC)
Acted for Citigroup in a criminal cartel prosecution – charges withdrawn

ACCC v Techtronic Industries Australia Pty Ltd, Federal Court, NSD122/2021 (Led by RCA Higgins SC)
Resale price maintenance civil penalty proceeding – ongoing

Port of Newcastle Operations Pty Limited v Glencore Coal Assets Australia Pty Ltd & Ors [2021] HCA 39 (Led by CA Moore SC, with D Roche)
Part IIIA access dispute

Application for review lodged by NSW Minerals Council (No 3) [2021] ACompT 4 (Led by D Roche)
Merits review of NCC decision not to declare a service

Vodafone Hutchison Australia Pty Limited v Australian Competition and Consumer Commission [2020] FCA 117 (Led by RCA Higgins SC, with D Roche, C Bannan)
Section 50; Declaration concerning proposed merger

B & K Holdings (Qld) Pty Ltd v Garmin Australasia Pty Ltd, Federal Court, QUD66/2018 (Led by RCA Higgins SC)
Misuse of market power; Exclusionary provision; Exclusive dealing; Misleading or deceptive conduct – settled

Baron & Ors v Gilmore & Ors, NSW Supreme Court, 2015/367495 (Led by C Amato)
Exclusionary provision; Restraint of Trade; Trade mark infringement – settled

ACCC v Colgate-Palmolive Pty Ltd [2019] FCAFC 83 (Led by RCA Higgins SC, with I Ahmed)
Appeal; Exclusionary provision; Cartel conduct

CLASS ACTIONS

Williams v Toyota Motor Corporation Australia Limited, Federal Court, NSD1210/2019 (Led S Free SC, with P Meagher)
Consumer Guarantees; misleading conduct; aggregate damages – judgment reserved

Biljana Capic v Ford Motor Company of Australia Limited [2021] FCA 715 (Led by I Pike SC, with F Roughley)
Consumer Guarantees; misleading conduct; aggregate damages – appealed

J Wisbey & Associates Pty Ltd, Federal Court, VID567/2019 (Led by M Darke SC and J Arnott SC)
Alleged cartel conduct in relation to FX instruments – ongoing

Alford & Ors v AMP Superannuation Limited & Ors, Federal Court, VID672/2019 (Led by M Darke SC, with T Spencer-Bruce)
Superannuation; Trusts – ongoing

Inabu Pty Ltd v CIMIC Group Ltd, Federal Court, ACD93/2016 (Led by CA Moore SC, with WAD Edwards)
Continuous disclosure; Misleading or deceptive conduct – settled

Turner v MyBudget Pty Ltd [2018] FCA 1407 (Led by CA Moore SC, with D Sulan)
Trusts; Breach of fiduciary duty; Unconscionable conduct; Unfair contract terms

Creighton & Smith v Australia Executor Trustees Limited, NSW Supreme Court, 2015/306222, 2015/171592 (Led by M Jones SC, with A Horvath)
Misleading or deceptive conduct; Professional negligence; Contribution – settled

COMMERCIAL

Disrupt Group Holdings Pty Ltd v IQNovate Limited & Ors, Supreme Court of NSW, 2020/00040987 (Led by R Scruby SC)
Breach of confidence; misleading or deceptive conduct – ongoing

DIF III Global Co-Investment Fund LP & Anor v Babcock & Brown International Pty Limited & Ors (No 2) [2019] NSWSC 1578
(Unled) Costs

DIF III Global Co-Investment Fund LP & Anor v Babcock & Brown International Pty Limited & Ors [2019] NSWSC 527 (Led by D Sulan)
Breach of fiduciary duty; misleading or deceptive conduct; negligence; Insurance

Evolution Traffic Control Pty Limited v Skerratt & Anor [2018] NSWSC 49 (Led by C Amato)
Misleading or deceptive conduct; Breach of contractual warranty

Lauvan Pty Limited & Ors v Bega & Ors [2018] NSWSC 154 (Led by JS Emmett)
Cross-Claim: Professional Negligence; Breach of fiduciary duty

Hyder v McGrath Sales Pty Ltd [2017] NSWSC 1647 (Led by RCA Higgins SC)
Misleading or deceptive conduct; Real property – easements

Management Service Australia Pty Ltd v PM Works Pty Ltd [2017] NSWSC 1743 (Led by F Assaf)
Joint Venture; Breach of fiduciary duty; Estoppel; Misleading or deceptive conduct; Unconscionable conduct

CONTEMPT

Re. Group Pty Ltd v Kazal (No 4) [2017] FCA 1084 (Led by AC Coleman SC and R Potter)
Contempt: liability

Re. Group Pty Ltd v Kazal (No 5) [2018] FCA 546 (Led by AC Coleman SC and R Potter)
Contempt: sentencing

Clipsal Australia Pty Ltd & Anor v ACN 134 468 205 Pty Ltd (No 5) [2017] FCA 1584 (Led by F Assaf)

Contempt: sentencing

EQUITY & CORPORATIONS

In the matter of Cromwell Property Securities [2019] NSWSC 1608 (Led by M Izzo SC)
Corporations; Access to documents (proxy forms)

In the matter of Courtenay House Capital Trading Group Pty Limited (in liq) and Courtenay House Pty Limited (in liq) [2018] NSWSC 404 (Led by CRC Newlinds SC)
Trusts; Quistclose trusts; Managed investment scheme

INQUIRIES

Inquiry under the Charitable Fundraising Act 1991 into RSL NSW, RSL Welfare and Benevolent Institution and RSL LifeCare Limited (Led by D Sulan, acted for RSL NSW)

INTERLOCUTORY

Australian Competition and Consumer Commission v Cement Australia Limited, Federal Court, QUD295/2008 (Unled)
Confidentiality review hearing (for Cement Australia)

Chandrasekaran v Western Sydney Local Health District t/as Westmead Hospital [2019] NSWSC 327 (Unled)
Opposed leave to issue subpoenas

B & K Holdings (Qld) Pty Ltd v Garmin Australasia Pty Ltd [2019] FCA 64 (Led by RCA Higgins SC)
Summary judgment application

Application by [24]7.ai, Inc [2018] NSWSC 171 (Unled)
Evidence - *Evidence on Commission Act* (NSW)

Ledger Acquisitions Australia Energy Pty Ltd v Constantinides, Local Court, 2014/208944 (Unled)
Motion to set aside default judgment

LongRunn Int'l (Korea) Limited v Australia Wattle Fund Pty Ltd, NSW Supreme Court, 2017/183565 (Led by D Sulan)
Corporations; Motion for security for costs

APPEALS

Ford Motor Company of Australia Pty Ltd v Biljana Capic, Full Court of the Federal Court, NSD1321/2021 (Led by Gleeson SC, with F Roughley)
Class action in consumer guarantee claim – ongoing

Industrial Relations Secretary v Fire Brigade Employees' Union of New South Wales [2020] NSWCA 46 (Led by T Wong SC)
Construction of industry award

Chief Commissioner of State Revenue v Boss Constructions (NSW) Pty Ltd [2019] NSWCA 43 / *Chief Commissioner of State Revenue v Boss Constructions (NSW) Pty Ltd* [2018] NSWCA 270 (Led by F Assaf)
Statutory demand; Estoppel in the face of a statute

Shop, Distributive & Allied Employees' Association v Secretary, NSW Treasury [2018] NSWSC 1760 (Led by K Richardson SC)
Appeal from NCAT; Statutory interpretation; *Retail Trading Act 2008*)

Hyder v McGrath Sales Pty Ltd [2018] NSWCA 223 (Led by RCA Higgins SC)
Misleading or deceptive conduct; Real property – easements

PM Works Pty Ltd v Management Services Australia Pty Ltd t/a Peak Performance PM [2018] NSWCA 168 (Led by F Assaf)
Third party costs orders

Chief Commissioner of State Revenue v Boss Constructions (NSW) Pty Ltd [2018] NSWCA 51 (Led by F Assaf)
Leave to appeal; Statutory demand; Estoppel in the face of a statute

Minister for Local Government v Blue Mountains City Council [2018] NSWCA 133 (Led by N Hutley SC)
Statutory interpretation; *Local Government Act 1993*; Jurisdiction

Shop, Distributive and Allied Employees' Association & Smith v Secretary, NSW Treasury [2018] NSWCATAP 84 (Led by K Richardson SC)
Statutory interpretation; *Retail Trading Act 2008*

SELECTED CASES AS A SOLICITOR

Australian Competition and Consumer Commission v Cement Australia Pty Ltd [2017] FCAFC 159
Acted for Cement Australia (Competition law; Penalty)

Australian Energy Regulator v Australian Competition Tribunal (No 2) [2017] FCAFC 79
Acted for Ausgrid, Endeavour & Essential (Judicial review; Electricity regulation)

Australian Competition and Consumer Commission v Olex & Ors [2017] FCA 222
Acted for Rexel (Competition law - Cartel & bid-rigging)

Australian Competition and Consumer Commission v Cement Australia Pty Ltd [2016] FCA 968
Acted for Cement Australia (Practice and Procedure - confidentiality application)

Australian Competition and Consumer Commission v Informed Sources & Ors, Federal Court, VID450/2014
Acted for Caltex (Settled) (Competition law - Substantial lessening of competition)

Samsung Electronics Co Ltd v Apple Inc & Anor, Federal Court, NSD315/2013
Acted for Apple (Settled) (Competition law - misuse of market power; Contract; FRAND; Intersection with patent law)

Samsung Electronics Co Ltd v Apple Inc & Anor [2013] FCAFC 138
Acted for Apple (Appeal; Practice and Procedure - leave to file additional evidence; Competition law)

Apple Inc v Samsung Electronics Co Ltd [2012] FCA 1358
Acted for Apple (Practice and Procedure - legal professional privilege; Competition law)

Application by Murray Goulburn to the Australian Competition Tribunal for merger authorisation regarding its takeover bid for Warrnambool Cheese and Butter (2013)

Australian Competition and Consumer Commission v Metcash Trading Ltd [2011] FCA 967 and *ACCC v Metcash Trading Ltd* [2011] FCAFC 151
Acted for Metcash (Competition law - mergers)

PUBLICATIONS

P J Strickland, "When services sourced overseas are in a 'market' in Australia", (Summer 2017) *Bar News* 15

P J Strickland, "Direct or indirect pecuniary interest under s 44(v) of the Constitution", (Spring 2017) *Bar News* 8

P J Strickland, "ACCC compulsory examinations: Does the "accusatorial" principle of criminal justice affect them?" (2014) 88 *Australian Law Journal* 812

P J Strickland, "Do we need a better way for reviewing mergers?" (2012) 40 *Australian Business Law Review* 143

P J Strickland, "Rethinking unconscionable conduct under the Trade Practices Act" (2009) 37 *Australian Business Law Review* 19

P J Strickland, "ACCC v Baxter Healthcare Pty Ltd [2005] ATPR 42-066 [2005] FCA 581" (2005) 33 *Australian Business Law Review* 485