



**ROBERT PIETRICHE**

*Barrister*

+61 2 8239 0231

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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)

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**EXPERIENCE**

*2019*

Barrister, **Banco Chambers**

*2016 – 2019*

Solicitor, **Herbert Smith Freehills** – Dispute Resolution; Competition, Regulation & Trade; Property

*2014 – 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)

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**AWARDS**

Ranked 1<sup>st</sup> at graduation in Bachelor of Law

Nancy Gordon Smith Prize for Honours (awarded to top 5 Bachelor of Law 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 (AT THE BAR)

### *Appellate*

*Turner v State of NSW* [2019] NSWCA 164 High risk offenders; renewal of interim detention orders

New South Wales Court of Appeal Led by J Emmett; Instructed by NSW Crown Solicitor’s Office

*Shield Lifestone Holdings Pty Ltd v LSKF Holdings Pty Ltd* [2020] NSWCA 59 Leave to appeal and appeal from costs orders of Supreme Court of NSW

New South Wales Court of Appeal Unled; Instructed by Clowry & Associates

*Wright v Apthorpe & Ors* Leave to appeal and appeal from costs orders of District Court of NSW

New South Wales Court of Appeal Led by S McCarthy; Instructed by Sparke Helmore Lawyers

*Cooper v The Owners – Strata Plan No. 58068* Leave to appeal and appeal from decision of New South Wales Civil and Administrative Tribunal; validity of by-laws prohibiting pets

New South Wales Court of Appeal Led by C R C Newlinds SC; Instructed by Bartier Perry

### *Competition and Regulatory*

*Vodafone Hutchison Australia v ACCC & Anor* [2020] FCA 117 Application for declarations that proposed merger would not contravene s 50 of the *Competition and Consumer Act 2010* (Cth)

Federal Court of Australia

Led by RCA Higgins SC, D Roche, C Bannan and P Strickland; Instructed by Herbert Smith Freehills

*Commissioner for Fair Trading v Bowes Street Developments Pty Ltd & Ors* Enforcement proceedings for misleading or deceptive conduct; unfair contract terms

Supreme Court of the ACT Led by RCA Higgins SC; Instructed by Meyer Vandenberg Lawyers

*ASIC v Theta Asset Management Limited (in liq) & Robert Marie*  
Federal Court of Australia

Enforcement proceedings for contravention of managed investment scheme provisions of the *Corporations Act 2001* (Cth)

Led by S Lawrance; Instructed by Colin Biggers & Paisley

### ***Corporations and Insolvency***

*Hastie Group Ltd v Multiplex & Ors*  
Federal Court of Australia

Liquidators' application for judicial advice and directions

Led by V Whittaker SC; Instructed by Colin Biggers & Paisley

*In the matter of Bio Health Pharmaceuticals Pty Limited*  
Supreme Court of NSW, Corporations List

Oppression of a minority

Led by E Hyde; Instructed by King & Wood Mallesons

*In the matter of AKI Management Pty Ltd*  
Supreme Court of NSW, Corporations List

Setting aside statutory demand; invalid appointment and removal of company directors; rectification of the ASIC register

Unled; Instructed by Rays Lawyer

*ACN 078 272 867 Pty Ltd (in liq) (formerly Advance Finances Pty Ltd) & Anor v Gary Robert Binetter & Ors*  
Federal Court of Australia

Winding up in insolvency; breach of director's duties; *Barnes v Addy* liability

Led by J Kirk SC, T O'Brien and O Jones; Instructed by Arnold Bloch Leibler

*In the matter of ACN 604 991 488 Pty Ltd (in liq) (formerly BHI Services Pty Ltd)*  
Federal Court of Australia

Winding up in insolvency; liquidator's examination

Unled; Instructed by Colin Biggers & Paisley

*In the matter of Ad Astra Institute Pty Ltd (ACN 611 629 693)*  
Supreme Court of NSW, Corporations List

Winding up application

Unled; Instructed by Nicholsons Lawyers & Consultants

### ***Commercial***

*Goodman Fielder Consumer Foods Pty Limited v GrainCorp Foods Australia Pty Ltd*  
Supreme Court of NSW, Commercial List

Breach of contract; contract damages, estoppel, misleading or deceptive conduct

Led by V Whittaker SC and M Ellicott; Instructed by Herbert Smith Freehills

*Flexirent Capital Pty Ltd v M2 Commander Pty Ltd*  
Supreme Court of NSW, Commercial List

Breach of contract

Led by T Wong SC; Instructed by Ashurst

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*Rural Funds Management Ltd as responsible entity for the Rural Funds Trust and RF Active v Bonitas Research LLC* [2020] NSWSC 61  
 Misleading or deceptive conduct; market manipulation  
 Led by C Withers; Instructed by Clayton Utz  
 Supreme Court of NSW, Commercial List

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*Rural Funds Management Ltd as responsible entity for the Rural Funds Trust and RF Active v Bonitas Research LLC (No 2)* [2020] NSWSC 335  
 Loss and damage for misleading or deceptive conduct; gross sum costs order  
 Led by C Withers; Instructed by Clayton Utz  
 Supreme Court of NSW, Commercial List

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### **Public Law**

*Greyhound Racing New South Wales v Leslie*  
 Administrative law; judicial review  
 Led by R McHugh SC and R Yezerski; Instructed by Automic Legal  
 Supreme Court of NSW, Expedition List

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*EHK v Children's Guardian*  
 NSW Civil and Administrative Tribunal  
 Application for enabling order under the *Child Protection (Working with Children) Act 2012* (NSW)  
 Unled; Instructed by the Crown Solicitor's Office for the Children's Guardian

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### **Torts**

*Lynette Stevenson v Jessica Hooley & Anor*  
 Negligence, liability under the *Companion Animals Act 1988* (NSW)  
 District Court of NSW  
 Unled; Instructed by Michael J Corbett Solicitors

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*Matthew Newson v Manuel Barba*  
 Battery and assault  
 District Court of NSW  
 Unled; Instructed by Clowry & Associates

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### **White Collar Crime**

*ACCC v ANZ & Ors*  
 Competition law, cartel offences  
 Local Court of NSW  
 Led by P Boulten SC, R Dick SC and C Withers; Instructed by Horton Rhodes

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### **Industrial Relations**

*Chandrasekaran v Western Sydney Local Health District & Anor*  
 Breach of contract; termination of locum placement  
 Led by T Wong SC; Instructed by NSW Crown Solicitor's Office  
 Supreme Court of NSW, Common Law Division

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<i>Budde v The Trustee for CKM Unit Trust t/as Koorngal Road Surgery</i>	Dismissal in contravention of a general protection
Federal Circuit Court of Australia	Unled; Instructed by Walsh & Blair Lawyers

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### **Land & Environment**

<i>Coles Group Property Developments Ltd v Blacktown City Council</i>	Class 1 proceedings
NSW Land and Environment Court	Led by C McEwen SC; Instructed by Marsdens Lawyers

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### **Interlocutory**

<i>Chandrasekaran v Western Sydney Local Health District &amp; Anor</i> [2019] NSWSC 1231	Contempt
Supreme Court of NSW, Common Law Division	Unled; Instructed by NSW Crown Solicitor's Office

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<i>National Australia Bank Ltd v Nautilus Insurance Pte Ltd &amp; Ors (No 2)</i> [2019] FCA 1543	Application for summary dismissal and strike-out
Federal Court of Australia	Led by V Whittaker SC; Instructed by King & Wood Mallesons

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<i>Greyhound Racing New South Wales v Leslie</i> [2019] NSWSC 1591	Interlocutory injunction
<i>Greyhound Racing New South Wales v Leslie (No 2)</i> [2019] NSWSC 1706	Led by R Yezerski; Instructed by Atomic Legal
Supreme Court of NSW, Equity Duty List	

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<i>Arys Health Pty Ltd v Le</i> [2020] NSWSC 45	Interlocutory injunction; costs
<i>Arys Health Pty Ltd v Le (No 2)</i> [2020] NSWSC 198	Unled; Instructed by Keith Bagley Lawyer
Supreme Court of NSW, Equity Duty List	

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<i>Gill v Ethicon Sarl (No 8)</i> [2020] FCA 771	Application to vary or stay injunction
Federal Court of Australia	Led by T Wong SC; Instructed by Clayton Utz

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<i>Goodman Fielder Consumer Foods Pty Ltd v GrainCorp Foods Australia Pty Ltd</i> [2020] NSWSC 706	Application to re-open case
Supreme Court of NSW, Commercial List	Led by V Whittaker SC and M Ellicott; Instructed by Herbert Smith Freehills

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### **Pro Bono**

<i>Sepideh Miraki v Joshua Griffith</i>	Breach of contract; restitution for money had and received
District Court of NSW	Led by E Hyde; Instructed by Hall & Wilcox

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**SELECTED CASES  
(AS A SOLICITOR)**

***Representative Proceedings / Class Actions***

*Lynch v Cash Converters Personal Finance Pty Ltd; McKenzie v Cash Converters International Ltd* – Federal Court of Australia – Class actions; consumer credit; unconscionable conduct

*McKenzie v Cash Converters International Ltd (No 4)* [2019] FCA 166 – Federal Court of Australia – Class actions; settlement approval

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***Competition & Regulatory***

*Application by Tabcorp Holdings* [2017] 1 ACompT 1; *Application by Tabcorp Holdings (No 2)* [2017] 1 ACompT 5 – Australian Competition Tribunal – Merger authorisation

*ACCC v Australian Competition Tribunal* [2017] FCAFC 150; *CrownBet v Australian Competition Tribunal* [2017] FCAFC 157 – Federal Court of Australia, Full Court – judicial review

*Lavecky & Anor v Visa Inc & Ors* – Federal Court of Australia – damages for contraventions of Part IV of the *Competition and Consumer Act 2010* (Cth)

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***Corporations, Insolvency and Superannuation***

*In the matter of Keystone Group Holdings Pty Ltd (recs and mgrs apptd) (admins apptd) & Ors* [2016] NSWSC 1604 – Supreme Court of NSW, Corporations List – corporations law; voluntary administration

*McBain v Bellamy's Australia Ltd; Bellamy's Australia Ltd v McBain* [2018] NSWSC 1152 – Supreme Court of NSW, Commercial List – termination payments to executive officer and member approval under the *Corporations Act 2001* (Cth)

*Qantas Superannuation Ltd v McAulay* [2019] FCA 109 – Federal Court of Australia – appeal from Superannuation Complaints Tribunal; judicial review; construction of superannuation trusts

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