



**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

PROFESSIONAL EXPERIENCE

May 2017 to current

Barrister, **Banco Chambers**

Ranked as "Leading" in *Doyles Guide: Leading Competition Law Junior Counsel – Australia* (2021, 2022, 2023)

Ranked as "Recommended" in *Doyles Guide: Leading Commercial Litigation & Dispute Resolution Junior Counsel – New South Wales* (2023)

Feb 2005 to April 2017

Senior Associate/Solicitor, **Herbert Smith Freehills**

Acted in major competition law / regulatory disputes and investigations.

Feb 2004 to Feb 2005

Associate to Justice Hill, **Federal Court of Australia**

EDUCATION

Feb 1998 to Dec 2003

University of Sydney (final semester at Queens University, Canada)

LLB (First Class Honours)

Feb 1998 to Dec 2001

University of Sydney

B.Com (Econ) (First Class Honours & University Medal)

ADMISSIONS

May 2017

NSW Bar

Dec 2005

Supreme Court of New South Wales

PUBLICATIONS

Articles

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

PRIZES / AWARDS

University of Sydney

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)

Queens University

First in Administrative Law (2003, on exchange)

SELECTED EXPERIENCE (AS A BARRISTER)

Competition and 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

Epic Games, Inc & Ors v Google LLC & Ors, Federal Court, NSD190/2021 (Led by CA Moore SC and R Yezerski SC, with C Trahanas and W Liu)

Misuse of market power and unconscionable conduct – ongoing proceeding

Brickworks Ltd & Anor v BGC (Australia) Pty Ltd & Anor, Federal Court, NSD949/2023 (Led by P Brereton SC)

Misuse of market power and section 50 – ongoing proceeding

Applications by Australia and New Zealand Banking Group Limited and Suncorp Group Limited [2024] ACompT 1 (Led by CA Moore SC, with T Rogan)

Australian Competition Tribunal review of proposed merger

ACCC v Techtronic Industries Australia Pty Ltd [2023] FCA 1574 (Led by RCA Higgins SC)

Resale price maintenance – agreed civil penalty

Australian Competition and Consumer Commission v BlueScope Steel Limited (No 6) [2023] FCA 1029 (Led by CA Moore SC)

Cartel pecuniary penalty proceedings – contested penalty

Australian Competition and Consumer Commission v Dell Australia Pty Ltd [2023] FCA 588 / *Australian Competition and Consumer Commission v Dell Australia Pty Ltd (No 2)* [2023] FCA 983 (Led by K Richardson SC)

Misleading conduct – agreed civil penalty

Applications by Telstra Corporation Limited and TPG Telecom Limited (No 2) [2023] ACompT 2 (Led by RCA Higgins SC)

Australian Competition Tribunal review of proposed merger

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 (No 5) [2022] FCA 1475 (Led by CA Moore SC, with R Pietriche)

Cartel pecuniary penalty proceedings

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

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

Greentree v Jaguar Land Rover Australia Pty Ltd [2023] FCA 1209 (Led by S Free SC, with P Meagher)

Consumer Guarantees; misleading conduct; aggregate damages – ongoing

Anne-Maree Johnston v Hyundai Motor Company Australia Pty Limited / Jane Victoria Moroney v Kia Australia Pty Limited, Supreme Court of Victoria, S ECI 2022 05424 / S ECI 2023 00959 (Led by WAD Edwards KC)

Consumer Guarantees; misleading conduct; aggregate damages

Benjamin Holt & Anor v Mitsubishi Motors Corporation & Anor, Federal Court, NSD1226/2021 (Led by C Withers SC)

Consumer Guarantees; misleading conduct; aggregate damages – ongoing

Williams v Toyota Motor Corporation Australia Limited [2022] FCA 344 (Led S Free SC, with P Meagher)

Consumer Guarantees; misleading conduct; aggregate damages – appealed

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 [2020] FCA 510 (Led by CA Moore SC, with WAD Edwards)

Continuous disclosure; Misleading or deceptive conduct – settlement approved

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

Liquidator examination in John Sheahan and Ian Russell Lock as joint and several liquidators of Gerobin Finances Pty Ltd & Ors, Federal Court, NSD316/2021 (Unled)

Represented examinee in liquidator examination

B&J Hudgton Investments Pty Ltd as trustee for the B&J Hudgton Family Trust v Lakeba Group Limited [2022] NSWSC 830 (Unled)

Preliminary discovery application

Andrew Sallway and Helen Newman in their capacity as liquidators of MB Australia Pty Ltd (in liq) & Anor v Citadel Group Properties Pty Ltd, Supreme Court of NSW, 2020/328334 (Led by D Sulan SC)

Breach of fiduciary duty, breach of directors duty, knowing receipt, uncommercial transaction under the *Corporations Act 2001* – settled

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 - settled

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

Children

FHV v Children's Guardian [2023] NSWCATAD 246 (Unled)

Acted for the Children's Guardian on an application for an enabling order under the *Child Protection (Working with Children) Act 2012* (NSW)

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 and 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)

Motions and interlocutory matters

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

Williams & Anor v Toyota Motor Corporation Australia, High Court of Australia, S157/2023 (Led by J Gleeson SC and S Free SC, with P Meagher and T Rogan)

Damages under section 272(1)(a) of the Australian Consumer Law

Toyota Motor Corporation Australia Limited v Williams [2023] FCA 50 (Led by S Free SC, with P Meagher)

Class action in consumer guarantee claim; Damages under section 272(1)(a) of the Australian Consumer Law

Ford Motor Company of Australia Pty Ltd v Capic [2023] FCAFC 179 (Led by Gleeson SC, with F Roughley)

Class action in consumer guarantee claim; Damages under section 272(1)(a) of the Australian Consumer Law

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*

KEY 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)