



**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

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**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**

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**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)

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**ADMISSIONS**

*May 2017*

NSW Bar

*Dec 2005*

Supreme Court of New South Wales

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## 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

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## 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)

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## 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

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*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)

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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

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### *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)

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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*

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## 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)

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*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)