

# Peter Strickland

**Banco Chambers**  
5/65 Martin Place  
Sydney NSW 2000

Phone: +61 2 8239 0216  
Fax: +61 2 8239 0299  
Peter.Strickland@banco.net.au

---

## 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
- Commercial
- Corporations & insolvency
- Equity
- Regulatory proceedings

(Selected case experience listed below on page 3.)

---

## PROFESSIONAL EXPERIENCE

- |                        |  |
|------------------------|--|
| May 2017 to current    | Barrister, <b>Banco Chambers</b>   |
| Feb 2005 to April 2017 | Senior Associate/Solicitor, <b>Herbert Smith Freehills</b><br><br>Acted in major competition law / regulatory disputes and investigations.<br><br>Ranked in <i>Doyles Guide: Rising Stars - Competition &amp; Consumer Protection</i> (2015, 2016) |
| Feb 2004 to Feb 2005   | Associate to Justice Hill, <b>Federal Court of Australia</b>   |

---

## EDUCATION

- |                      |  |
|----------------------|--|
| Feb 1998 to Dec 2003 | <b>University of Sydney</b> (final semester at Queens University, Canada)<br><br>LLB (First Class Honours) |
| Feb 1998 to Dec 2001 | <b>University of Sydney</b><br><br>B.Com (Econ) (First Class Honours & University Medal)                   |

---

## ADMISSIONS

May 2017	NSW Bar
Dec 2005	Supreme Court of New South Wales

---

## PUBLICATIONS

<b>Articles</b>	<p>P J Strickland, “When services sourced overseas are in a ‘market’ in Australia”, (Summer 2017) <i>Bar News</i> 15</p> <p>P J Strickland, “Direct or indirect pecuniary interest under s 44(v) of the Constitution”, (Spring 2017) <i>Bar News</i> 8</p> <p>P J Strickland, “ACCC compulsory examinations: Does the “accusatorial” principle of criminal justice affect them?” (2014) 88 <i>Australian Law Journal</i> 812</p> <p>P J Strickland, “Do we need a better way for reviewing mergers?” (2012) 40 <i>Australian Business Law Review</i> 143</p> <p>P J Strickland, “Rethinking unconscionable conduct under the Trade Practices Act” (2009) 37 <i>Australian Business Law Review</i> 19</p> <p>P J Strickland, “<i>ACCC v Baxter Healthcare Pty Ltd</i> [2005] ATPR 42-066 [2005] FCA 581” (2005) 33 <i>Australian Business Law Review</i> 485</p>
-----------------	---

---

## PRIZES / AWARDS

<b>University of Sydney</b>	<p>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)</p>
<b>Queens University</b>	<p>First in Administrative Law (2003, on exchange)</p>

---

## SELECTED EXPERIENCE (AS A BARRISTER)

### Commercial

*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

*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

### 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

*Vodafone Hutchison Australia Pty Limited v Australian Competition and Consumer Commission*, Federal Court, NSD818/2019 (Led by RCA Higgins SC, D Roche, C Bannan)

Section 50; Declaration concerning opposed 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 – ongoing proceedings

*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*, Full Federal Court, NSD2510/2013 (Led by RCA Higgins SC and I Ahmed)

Appeal; Exclusionary provision; Cartel conduct

### Class actions

*Inabu Pty Ltd v CIMIC Group Ltd*, Federal Court, ACD93/2016 (Led by CA Moore SC and WAD Edwards)

Continuous disclosure; Misleading or deceptive conduct – ongoing proceedings

*Turner v MyBudget Pty Ltd* [2018] FCA 1407 (Led by CA Moore SC and 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 and A Horvath)

Misleading or deceptive conduct; Professional negligence; Contribution – settled

Liability limited by a scheme approved under Professional Standards Legislation.

## **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 trusts**

*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**

*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**

*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)