

**ANDREW BARRACLOUGH**  
**Barrister**

**Aickin Chambers**  
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**Areas of Practice**

- Commercial
- Competition and Consumer
- Regulatory
- Class actions
- Equity & Trusts
- Property
- Conflicts of Law
- International Commercial Arbitration

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**Qualifications**

- Grad. Dip. Competition Law, University of Melbourne
- LL.B. (1<sup>st</sup> Class Hons), Monash University
- B.A. (Italian Major), Monash University
- Dip. Arts (History), Monash University

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**Legal Experience**

- Victorian Bar – since May 2013
- Allens, Solicitor then Senior Associate, Competition and Commercial Litigation groups – June 2007 to March 2013
- Clayton Utz, Articled Clerk then Solicitor, International Arbitration and Competition groups – November 2004 to June 2007
- International Chamber of Commerce, Intern with the Secretariat of the ICC International Court of Arbitration – 2004
- Shearman & Sterling LLP, Intern with the International Arbitration group – 2004

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**Key Matters**

- *Economic Regulation Authority v Synergy* – alleged misuse of market power by an electricity generator (led by P Solomon QC)
- *Incitec Pivot v Rema Tip Top* – alleged breach of contract, breach of duty of care, misleading conduct (led by S Parmenter QC)
- *ACT proceedings 4 and 5 of 2021* – review of an ACCC determination to authorize formation of a collective buying group and other conduct (led by R Higgins SC)
- *ACCC v Australasian Food Group Pty Ltd* – alleged exclusive dealing (led by R Higgins SC, with H Whitwell)
- *Wisbey v UBS & Ors* – class action concerning an alleged foreign exchange cartel (led by C Caleo QC)

- *Ahmed Hasna v Crown Melbourne* – alleged unconscionable conduct (led by M Borsky QC)
- Royal Commission into the Casino Operator and Licence (for Crown, led by M Borsky QC and C Button QC, with various other juniors)
- *ACCC v NSW Ports* (trial and appeal) – alleged substantial lessening of competition regarding the leases of Port Botany and Port Kembla (led by M Borsky QC, with R Yezerki, J Watson and A Muhlebach)
- *Sanda v PTTEP Australasia* (trial and appeal) – class action arising out of an oil spill in the Timor Sea (led by C Scerri QC for the trial and J Sheahan QC for the appeal, with J Arnott)
- *CITIC v Mineralogy* - specific performance of an option to acquire a right to mine iron ore (led by J Karkar QC and S Parmenter QC)
- *Telstra v Optus* – alleged misleading advertising (led by N Young QC)
- *ACT 1 of 2019* – review of ACCC authorization of New Energy Tech Code (unled)
- *ACCC v Pacific National Pty Ltd & Ors* (trial and appeal) – alleged substantial lessening of competition in rail freight markets (led by N Hutley SC and R Higgins SC, with B Lim)
- *Australian Energy Regulator v Snowtown Wind Farm* – proceeding concerning arising out of South Australian "Black System Event" (led by M Borsky QC)
- *ACCC v Medibank* – alleged misleading conduct concerning private health insurance coverage (led by C Button QC)
- *ACCC v Sony* – alleged misleading conduct concerning terms of service and statements made by call centre agents (led by M Borsky QC)
- *ACCC v Colgate-Palmolive* (trial and appeal) – alleged laundry detergent cartel (led by M Scott QC)
- Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (acting for HostPlus, led by J Delany QC)
- Tabcorp & Tatts merger – authorization application (led by N Young QC and M Borsky QC) and judicial review application (led by B Walker SC and M Borsky QC)
- *ACCC v Murray Goulburn* – unconscionable and misleading conduct (led by P Collinson QC, with O Bigos)
- *ACCC v Informed Sources Pty Ltd & Ors* – substantial lessening of competition in retail petrol markets (led by M O'Bryan QC, with F Forsyth)
- *Lumen Australia Pty Ltd & Anor v Frontline Australasia Pty Ltd* – trade mark, copyright, breach of confidence, misleading or deceptive conduct, EL rights (led by B Caine QC)
- *MCG Quarries Pty Ltd v Barbera Ann Beach & Ors* – alleged substantial lessening of competition, conspiracy and unconscionable conduct (led by P Collinson QC)
- *Flash Lighting Company v Yinan Zhang & Ors* – trusts, directors' duties (led by R Strong)
- *ACCC v Olex Australia Pty Ltd & Ors* – alleged electrical cable cartel (led by P Collinson QC and A McClelland QC, with C Exell)
- *Asahi Holdings v Pacific Equity Partners and Unitas Capital* – misleading conduct in the sale of an alcoholic beverages business (led by M O'Bryan QC, with M Borsky)
- *Specialist Diagnostic Services v Australian Hospital Care (Knox)* and various other Supreme Court proceedings concerning private hospital leases, including trust and non-derogation obligations (led by D Collins QC)
- Arbitrator in a SIAC arbitration concerning an agreement for the lease and sale of helicopters
- Murray Goulburn's application for authorisation of its proposed acquisition of Warrnambool Cheese & Butter (led by C Scerri QC, with E Heerey)
- *De Brett Seafood v Qantas* – price fixing in air cargo markets (class action) (led by C Scerri QC, with M Darke)
- *Norcast v Bradken* – bid rigging and misleading or deceptive conduct in the acquisition of a mining company (led by C Scerri QC, with M Borsky)
- *Jangho Curtain Wall v Arrow Worldwide* – breach of contract & bailment (including an injunction application) (led by M Scott QC)
- Tribunal secretary in a HKIAC arbitration (directors' duties), an ICC arbitration (concerning agreements to supply solar cells), a LCIA arbitration (a joint venture dispute), an ICC arbitration (a dispute concerning space segment capacity on satellites), HKIAC arbitration (breach of contract) and an IAMA arbitration (construction)
- Examinations under section 155 of the Competition and Consumer Act.
- Advice to the ACCC and merger parties regarding proposed acquisitions under section 50 of the Competition and Consumer Act

Matters prior to joining the Bar include:

- A major domestic arbitration – a price review under a long term gas supply agreement
- *Altain Khuder Limited v IMC Solutions & Anor* – an application to set aside an order enforcing an arbitral award made in Mongolia
- *Neville Austin v State of Victoria* – the first “Stolen Generation” case in Victoria
- *Ann Street Mezzanine Pty Ltd (In Liq) v Cedric Richard Palmer Beck & Ors* – regulatory proceedings regarding audits of a failed property development group
- *Norcast v Bradken* – bid-rigging and misleading or deceptive conduct in the acquisition of a company
- *ACCC v Emirates* – price fixing in air cargo markets
- *Specialist Diagnostic Services Pty Ltd v Healthscope Ltd & Ors* – restraints of trade, trusts and good faith and non-derogation obligations in relation to commercial leases
- Other competition matters – advising clients on ACCC investigations, merger clearances, exclusionary provisions, price fixing, misuse of market power, exclusive dealing, misleading or deceptive conduct and unconscionable conduct.