

**ANDREW BARRACLOUGH**  
**Barrister**

**Aickin Chambers**  
Level 23, 200 Queen Street  
Melbourne VIC 3000  
T +61 3 9225 6730  
abarraclough@vicbar.com.au

---

**Areas of Practice**

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

---

**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

---

**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

---

**Key Matters**

- *Australian Energy Regulator v Snowtown Wind Farm* – proceeding concerning arising out of South Australian "Black System Event" (led by Michael Borsky QC)
- *Wisbey v UBS & Ors* – class action concerning an alleged foreign exchange cartel (led by Chris Caleo QC)
- *ACCC v Medibank* – alleged misleading conduct concerning private health insurance coverage (led by Cath Button QC)
- *ACCC v Sony* – alleged misleading conduct concerning terms of service and statements made by call centre agents (led by Michael Borsky QC)

- *ACCC v Pacific National Pty Ltd & Ors* – alleged understanding and alleged substantial lessening of competition in rail freight markets (led by Noel Hutley SC and Ruth Higgins SC, with Brendan Lim);
- *ACCC v Colgate-Palmolive* – trial and appeal concerning an alleged laundry detergent cartel (led by Martin Scott QC)
- Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (acting for HostPlus, led by Jim Delany QC)
- *Sanda v PTTEP Australasia* – class action arising out of an oil spill in the Timor Sea (led by Charles Scerri QC, with James Arnott)
- *ACCC v Murray Goulburn* – unconscionable and misleading conduct (led by Peter Collinson QC, with Oren Bigos)
- *Lumen Australia Pty Ltd & Anor v Frontline Australasia Pty Ltd* – trade mark, copyright, breach of confidence, misleading or deceptive conduct, EL rights (led by Bruce Caine QC)
- *MCG Quarries Pty Ltd v Barbera Ann Beach & Ors* – alleged substantial lessening of competition, conspiracy and unconscionable conduct (led by Peter Collinson QC)
- *Flash Lighting Company v Yinan Zhang & Ors* – trusts, directors' duties (led by Robert Strong)
- Tabcorp & Tatts merger – authorization application (led by Neil Young QC and Michael Borsky QC) and judicial review application (led by Bret Walker SC and Michael Borsky QC)
- *ACCC v Olex Australia Pty Ltd & Ors* – alleged electrical cable cartel (led by Peter Collinson QC and Andrew McClelland QC, with Clare Exell)
- *Asahi Holdings v Pacific Equity Partners and Unitas Capital* – misleading conduct in the sale of an alcoholic beverages business (led by Michael O'Bryan QC, with Michael Borsky)
- *ACCC v Informed Sources Pty Ltd & Ors* – substantial lessening of competition in retail petrol markets (led by Michael O'Bryan QC, with Fiona Forsyth)
- *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 David 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 Charles Scerri QC, with Ed Heerey)
- *De Brett Seafood v Qantas* – price fixing in air cargo markets (class action) (led by Charles Scerri QC, with Matthew Darke)
- *Norcast v Bradken* – bid rigging and misleading or deceptive conduct in the acquisition of a mining company (led by Charles Scerri QC, with Michael Borsky)
- *Jangho Curtain Wall v Arrow Worldwide* – breach of contract & bailment (including an injunction application) (led by Martin 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.