

+61 2 8066 6177

Heydon.Letcher@5wentworth.com

Areas of practice	 Competition Regulatory Commissions & Inquiries Commercial Litigation Equity
Education	University of Cambridge – Master of Law 2018 – 2019 Result: First class
	University of Sydney – Bachelor of Arts and Bachelor of Laws \mid 2009 – 2013 Undergraduate average: High distinction
	Sydney Grammar School 2004 – 2008 UAI: 99.95
Experience	Barrister, 5 Wentworth Chambers 2023 – Present
	Senior Associate, Herbert Smith Freehills 2022 – 2023 Competition (Sydney)
	Solicitor / Associate (Australia), Herbert Smith Freehills 2019 – 2022 Competition (Sydney / London)
	Assistant director / Senior investigator, ACCC 2016 – 2018 Enforcement Division (Sydney)
	Graduate and solicitor, Ashurst 2014 – 2015 Competition (Sydney)
Admissions	Barrister, NSW 2023
	Solicitor, NSW 2014
Selected cases (as counsel)	Competition and regulatory
(as counsel)	 <u>Brickworks and Austral Bricks (WA)</u> v BGC (Australia) and Midland Brick (Federal Court; NSD 949 of 2023) – Claim for damages, divestment and other relief for alleged contraventions of CCA ss 46 and 50 in the WA brick market; appeared at 7 interlocutory applications/case management hearings; matter settled shortly before hearing following lay and accounting/economic expert evidence – Led by P Brereton SC / G Rich

SC, R Yezerski SC, D Forrester, P Strickland, A Vial and M Caristo. Instructed by Clayton Utz

• Advising confidential clients on ACCC and APRA matters

General commercial

- Hampden Holdings & Anor v <u>Aldi Foods</u> [2024] FCA 1452 (Federal Court; NSD 64 of 2022) – Alleged copyright infringement – Led by A Fox SC and C Bembrick. Instructed by Spruson & Ferguson
- Siemens WLL v BIC Contracting [2024] FCA 2 (Federal Court; NSD 1152 of 2021) – Appearing for garnishee (<u>CIMIC subsidiary</u>) – Private international law; extension of stay orders pending appeal – Unled. Instructed by Allens
- SapphireOne v <u>Central National Australia & Anor</u> (Local Court;
 2023/00214472) Contract dispute; settled at hearing Unled. Instructed by Lawcrest

Selected cases • (as a solicitor)

- Applications by Telstra and TPG (Australian Competition Tribunal; ACT 1 of 2022) – Review proceedings brought by Telstra and TPG for ACCC merger authorisation of a mobile infrastructure and spectrum sharing arrangement in regional Australia
- O'Higgins FX Class Representative Ltd v Barclays Bank plc and Others;
 Evans v Barclays Bank plc and Others (UK Competition Appeal Tribunal;
 Cases 1329 and 1336 of 2019) Competition class action proceedings, with
 subsequent appeal to English Court of Appeal, brought by two
 representative applicants against banking groups alleging damages up to or
 exceeding £2 billion due to anti-competitive conduct involving FX trading
 found in two European Commission infringement decisions
- Allianz Global Investors and Others v Barclays Bank plc and Others (English High Court; CL-2018-000840) – Competition claim, with subsequent appeal to English Court of Appeal, brought by investment, pension and other funds seeking multi-billion pound damages from banking groups for alleged FX cartel conduct alongside parallel proceedings in the US District Court (SDNY)
- ACCC v Ramsay Health Care (Federal Court; NSD 628 of 2017) Alleged misuse of market power and exclusive dealing with respect to the supply of private hospital and day surgery services
- ACCC v Cascade Coal (Federal Court; NSD 584 of 2015) Alleged cartel conduct including bid-rigging in connection with the NSW government tender process for certain coal exploration licences
- Application by AGL (Australian Competition Tribunal; ACT 1 of 2014) –
 Proceedings brought by AGL for merger authorisation for its \$1.5 billion acquisition of certain Macquarie Generation electricity assets

- ACCC v AGL South Australia (Federal Court; SAD 355 of 2013) Proceedings involving alleged false or misleading representations with respect to discounts for electricity supply to residential customers
- Advising on ACCC civil and criminal investigations in sectors including financial services, energy, technology, education and transportation
- Advising on ACCC, UK CMA and multi-jurisdictional merger control clearance in sectors including communications, pharmaceuticals, energy and financial services