



**Alice Muhlebach  
Barrister**

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### **Areas of Practice**

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- Competition/Market Conduct
- Trade Practices & Consumer Protection
- Commercial Law
- Regulatory (Compliance & Investigations)

### **Educational Qualifications**

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University of Melbourne, LLB (Hons), BCom, Dip Arts (English)

### **Legal Experience**

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**Victorian Bar**, commenced May 2017.

**Ashurst (formerly Blake Dawson Waldron)**, partner (July 2012- December 2016); senior associate (July 2009 – June 2012); articled clerk/lawyer (March 2005 – June 2009).

**Tutor, Newman College**, constitutional law, administrative law, criminal law (2005 – 2008)

### **Other**

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Ranked by Chambers and Partners for competition law, 2021.

Ranked as "preeminent" competition law junior counsel by DoYLES Guide, 2020.

Identified by "Best Lawyers Australia" for competition law, 2013 – 2020, including as Melbourne "lawyer of the year" for competition law in 2020.

Named in the Global Competition Review's "40 under 40" publication, a ranking of the top 40 competition law practitioners globally who are under the age of 40, released once every four years, 2015.

Member, Competition and Consumer Law Committee, Law Council of Australia.

## Key Matters

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Matters since coming to the Bar in May 2017 include:

- *CDPP v The Country Care Group Pty Ltd and others* (criminal jury trial for cartel conduct, concluded June 2021, led by Oren Bigos QC and others, with other junior counsel).
- *ACCC v NSW Ports Operations Hold Co Pty Ltd and ors* [2021] FCA 720 (anticompetitive agreement, civil penalty and injunction proceeding, led by Michael Borsky QC and others).
- *ACCC v Pacific National Pty Limited* [2020] FCAFC 77 (led by Justin Gleeson SC, Andrew McClelland QC and others)
- *ACCC v Cryosite Limited* [2019] FCA 116 (cartel, civil penalty proceeding, led by Michael Borsky QC).
- *ACCC v Pacific National Pty Ltd (No 2)* [2019] FCA 669 (merger and anticompetitive agreement, civil penalty and injunction proceeding, led by Philip Crutchfield QC and Andrew McClelland QC, with other junior counsel).
- *Digital Cinema Network v Twentieth Century Fox* (2019) (unconscionable conduct proceedings, VCAT, led by Jason Pizer QC).
- *ACCC v Optus Internet Pty Ltd and anor* [2019] FCA 2221 (consumer law, civil penalty proceeding, led by Oren Bigos SC).
- *ACCC v Optus Internet Pty Ltd* [2018] FCA 777 (consumer law, civil penalty proceeding, led by Tim Begbie).
- Advising government, corporations and individuals in relation to merger, cartel (civil and criminal), misuse of market power and consumer law matters and investigations, including acting in compulsory ACCC and ASIC examinations and regulatory interviews (including cartel immunity interviews).

Matters prior to coming to the Bar include:

- *Application by Glencore Coal Pty Ltd* [2016] ACompT 6, and subsequent judicial review proceeding before a five-judge bench of the Full Court of the Federal Court (decision reserved), regarding an application by Glencore Coal Pty Ltd for declaration of third party access to a shipping channel service at the Port of Newcastle under Part IIIA of the *Competition and Consumer Act 2010*.
- Representing major gas industry participant during the ACCC's East Coast Gas Sector Inquiry (2015 – 2016).
- *Application for Authorisation of Acquisition of Macquarie Generation by AGL Energy Limited* [2014] ACompT 1: successful application to the Australian Competition Tribunal for merger authorisation of AGL Energy's acquisition of Macquarie Generation.
- *The Pilbara Infrastructure Pty Ltd v Australian Competition Tribunal* (2012) 246 CLR 379: High Court appeal from decision of the Full Court of the Federal Court regarding third party access declaration of services provided by certain Pilbara iron ore railways.
- *The Pilbara Infrastructure Pty Ltd v Australian Competition Tribunal* (2011) 193 FCR 57: judicial review of decision by the Australian Competition Tribunal regarding third party access declaration of services provided by certain Pilbara iron ore railways.
- *In the matter of Fortescue Metals Group Limited* (2010) 271 ALR 256: review by the Australian Competition Tribunal of the decision of the designated minister regarding third party access declaration of services provided by certain Pilbara iron ore railways.
- Representing clients during numerous confidential ACCC investigations into misuse of market power, exclusive dealing, cartel conduct, unconscionable conduct, misleading or deceptive conduct, and false or misleading representations (2012 – 2016).
- Obtaining ACCC merger clearance for acquisitions by clients in industries including mining, manufacturing, and wholesale and retail energy (2008 - 2016).