



PATRICK GAY

PARTNER

[Sydney](#)
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Patrick has significant experience across all areas of competition law, including distribution arrangements, cartel arrangements and merger matters.

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BACKGROUND

Patrick holds a Bachelor of Arts from McGill University, Montreal, and a Bachelor of Laws and a Master of Public Administration from Dalhousie University Halifax, Nova Scotia.

Patrick has acted as a legal affairs officer at the World Trade Organization in Geneva Switzerland and was previously an associate in the competition and international trade law departments of a major Canadian firm.

MARKET RECOGNITION

Patrick is consistently recognised as a leading competition lawyer in Australia by Best Lawyers, Global Competition Review, Chambers Asia Pacific, Legal500 and Who's Who Legal. The Chambers publication has quoted clients who describe Patrick as "an excellent and thoughtful competition lawyer" and another who described Patrick as "a terrific client whisperer who helps them navigate the process and avoid the risk areas"

Patrick is the co-author of the chapter on competition law and joint ventures in 'Before You Tie The Knot: Contemporary issues in Joint Venture Law' and of the chapter on merger clearance law in 'Towns Under Siege: Developments in Australian takeovers and schemes'.

KEY SECTORS

Consumer
Pharmaceuticals and Healthcare

EXPERIENCE

Patrick has extensive experience across all aspects of Australian competition law and advises clients in relation to cartels, authorisation applications, market investigations and the structuring of commercial agreements and joint ventures. He has significant experience in contentious merger matters before the ACCC and the Australian Competition Tribunal, as well as acting for clients with matters before the Federal Court. Patrick also advises on issues under the Australian Consumer Law.

Examples of clients and matters in which Patrick has been involved include:

- **Tabcorp** before the ACCC and the Australian Competition Tribunal in its successful acquisition of Tatts. This was one of the landmark merger matters of recent years. Patrick is a long term advisor to Tabcorp and has also advised Tabcorp on a range of other acquisitions as well as distribution arrangements
- **Metcash** in securing ACCC clearance for the acquisition of Home Timber and Hardware. This was a merger of the #1 and #2 hardware wholesalers in Australia. Patrick has also provided advice to Metcash on a wide range of competition matters including in respect of its supply agreements with manufacturers and arrangements with retailers
- **Visa** in respect of a variety of competition and regulatory issues, including negotiating the settlement of misuse of market power proceedings with the ACCC. Patrick is also recently advised Visa in regards to private party proceedings alleging a competition law contravention
- **Aspen Pharmacare** on a variety of competition law issues, including in respect of mergers and acquisitions and competition law issues associated with the distribution of pharmaceuticals
- **Garmin Australia** in Federal Court proceedings commenced by a former Garmin distributor alleging misuse of market power. Patrick has also advised Garmin on a wide variety of consumer law issues

- **A major financial institution** – Patrick has advised a major financial institution in respect of a key comparative advertising campaign and whether the campaign raised issues under the ACL
- **A car rental company** – Patrick successfully negotiated an out of court settlement arrangement with the ACCC regarding alleged misrepresentations in advertising and promotional materials
- **CBA** – advising CommInsure in respect of the sale of its life insurance business to AIA