



## **PATRICK CLARK**

**PARTNER**

[Melbourne](#)  
[Australia](#)

Patrick specialises in providing strategic competition law advice, with a particular focus on assisting clients with complex and contested merger clearances and with navigating ACCC investigations.

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## **BACKGROUND**

Patrick studied law at The University of Melbourne (Honours) (2010), economics for competition lawyers at King's College London (2014) and is admitted in Victoria, New South Wales and the High Court (2011).

Prior to joining Herbert Smith Freehills in February 2018, Patrick practiced Australian competition law at Ashurst Australia, and EU competition law at Cleary Gottlieb Steen & Hamilton LLP (an international firm preeminent in that area).

## **MARKET RECOGNITION**

Patrick was ranked as a Rising Star in Doyle's Guide in 2019.

Patrick was recognised for his involvement in the Dow/DuPont EU merger clearance, which was awarded Merger Matter of the Year by the Global Competition Review Awards in 2018.

## **KEY SERVICES**

[Competition, Regulation and Trade](#)  
[Merger Control](#)

## **KEY SECTORS**

[Energy](#)  
[Infrastructure](#)

## EXPERIENCE

Patrick has assisted clients to obtain merger clearance despite ACCC opposition in two leading and widely publicised cases: *AGL / Macquarie Generation* (2014) and *Vodafone v ACCC* (2020, advising TPG). That depth of contentious merger experience is rare, and those experiences inform all aspects of Patrick's advice.

Patrick's key strengths include an ability to rapidly develop a deep understanding of his clients' businesses (the products/services, value drivers, strategic objectives and the broader industry), and to engage effectively with all levels of the business in their commercial language. In Patrick's experience, those skills are critical to success in competition law matters.

Patrick has played a key role in significant matters including:

- Advising **TPG Telecom Limited** on successfully obtaining merger clearance from the Federal Court for its \$15 billion merger with Vodafone Hutchison Australia (February 2020), following an ACCC decision to oppose the merger in May 2019.
- Advising **AGL Energy Limited** on successfully obtaining merger authorisation from the Australian Competition Tribunal for its \$1.5 billion acquisition of Macquarie Generation (June 2014), following an ACCC decision to oppose the acquisition in March 2014.
- Advising **Port of Brisbane** on preparing an appeal to the Australian Competition Tribunal concerning the conditions imposed by the ACCC in its authorisation of long term contractual arrangements with Carnival plc(2018).
- Providing ongoing strategic competition advice to **Caltex Australia Limited**, including in respect of contemplated transactions.
- Providing ongoing strategic competition advice to **AGL Energy Limited**, including concerning the ACCC's Retail Electricity Pricing Inquiry (2017-18), East Coast Gas Inquiries (2015-16 and 2017+), the AER's South Australian black system event investigation (2018+) and merger clearance for AGL's acquisition of Loy Yang Power (2012).

During his time with Cleary Gottlieb Steen & Hamilton LLP in Brussels, Patrick was involved in:

- Obtaining EU competition clearance for the \$130 billion **Dow / DuPont** merger (2016-17), a Phase II investigation cleared with remedies.
- Advising **Valeo** on settlement negotiations with the European Commission concerning the thermal systems car parts cartel (2017).
- Advising **Google** on the European Commission's abuse of dominance investigation into Google Search / Shopping (2017).

Patrick also has extensive experience advising Australian clients in various sectors involved in ACCC investigations, including responding to compulsory notices to produce information and documents, and assisting executives to appear before the ACCC. Patrick also assisted clients to prepare submissions to the Federal government's comprehensive review of competition law and policy, the Harper Review (2014-15).