

# RESUME OF SIMON SNOW

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## Work summary

*1999 to 2017:*

Senior Lawyer, then Partner (from 2004) in the Competition & Regulation Group, Gilbert + Tobin.

*1995 to 1999:*

Solicitor, then Senior Associate at Blake Dawson Waldron (now Ashurst).

## More detailed work history

Simon has over 20 years' experience in providing advice on competition, regulatory and consumer law issues to clients from a wide range of industries, including transport, retail, financial services, telecommunications, building products and utilities.

Simon has substantial experience managing investigations by regulators in relation to cartel and misuse of market power allegations, including advising on leniency policies and cooperative responses to investigations, as well as acting for clients in contentious competition and consumer law matters including litigation (both between private parties and when instituted by regulators).

Simon also advises clients on merger clearances as well as authorisations, joint ventures and strategic arrangements and the competition law issues associated with other commercial arrangements.

Simon's recent competition and consumer law experience includes:

### *Investigations and Enforcement*

- advising and acting for Dunlop Oil & Marine in the proceedings commenced by the ACCC in relation to the Australian aspects of the alleged international Marine Hose Cartel;
- acting for Virgin Australia in relation to proceedings brought by the ACCC alleging contraventions of the *Australian Consumer Law* in relation to the online display of pricing information;
- advising and acting for Thai Airways in relation to:
  - the proceedings brought by the ACCC in relation to an alleged international air cargo cartel; and
  - the related follow on class action proceedings for damages;
- acting for a number of Australian and international clients in seeking immunity from the ACCC under the Immunity Policy for Cartel Conduct and conducting related investigations (matters are confidential);
- acting for a wide range of clients in relation to confidential investigations by the ACCC alleging contraventions of the *Competition and Consumer Act 2010* and the *Australian Consumer Law*.

#### *Access to Infrastructure:*

- acting for Virgin Australia in its landmark application to declare the Airside Service at Sydney Airport. Despite an initial recommendation not to declare the service from the National Competition Council, Virgin Australia successfully sought a review of this decision in the Australian Competition Tribunal which was then confirmed by the Full Federal Court (Sydney Airport was denied special leave to appeal by the High Court);
- ongoing advisor to Virgin Australia for over 15 years in relation to airport access matters, including:
  - advising on other potential declarations and advising Virgin Australia on the application of the building block methodology to commercial negotiations with airports;
  - acting for Virgin Australia in relation to 4 separate inquiries by the Productivity Commission into the regulation of airport services, including appearing twice for Virgin Australia at Productivity Commission public hearings; and
  - advising Virgin Australia in relation to applications by third parties, including Glencore's application to declare services provided by the Port of Newcastle;
- advising Telstra Wholesale in relation to a range of competition and regulatory matters concerning pricing and access issues (with a particular focus on mobile services);
- acting for Services Sydney in its successful application to the Australian Competition Tribunal to declare certain sewage interconnection and transportation services provided by Sydney Water Corporation.

#### *Mergers, Strategic Alliances and Authorisations*

Simon regularly advises clients in both Australia and New Zealand on merger clearances and authorisations, often acting as regional coordinating counsel for global transactions. His experience includes:

- advising APN in relation to the sale of its newspaper assets in Queensland and northern NSW to News Limited;
- advising Virgin Australia in relation to the authorisation of its strategic alliance with Delta Airlines;
- advising Pfizer on the Australian and New Zealand competition law aspects of its merger with rival drug maker Wyeth, valued at US\$66.8 billion. This matter required complex analysis of more than twenty separate markets in each jurisdiction, the negotiation of detailed divestiture undertakings (requiring global coordination of remedies) and assisting in the sale of the divested businesses to acceptable buyers;
- advising Telstra in relation to regulatory approval of its acquisition of Pacnet in Australia (ACCC) and Singapore (iDA);
- advising Telstra in relation to the New Zealand Commerce Commission approval of the sale of TelstraClear to Vodafone;
- advising Nine Entertainment Co in relation to a range of merger clearances as well as advising on formation and operation of a range of joint ventures, including Mi9, its joint venture with Microsoft (now a wholly owned subsidiary);
- strategic adviser to Ramsay on competition and consumer law issues, including advising in relation to the acquisition of 49 private hospitals from Affinity Health and subsequent divestiture negotiations with the ACCC, acting to obtain merger clearance from the ACCC in relation to the

acquisitions of the Cairns Day Surgery, Coolenberg Clinic, Bowral Day Surgery and the Sunshine Coast Private Hospital;

- advising Australian Clinical Labs (formerly Healthscope Pathology) in relation to a range of merger related matters in the Australian pathology industry;
- strategic adviser to nib Health Funds Limited in relation to a range of competition and consumer law issues.

### **Educational Qualifications**

#### *Tertiary*

LLB (Hons), B.Ec, University of Adelaide.

Graduate Certificate in Legal Practice, University of South Australia.

### **Professional Qualifications, Associations and Recognition**

Simon was admitted to practice in the Supreme Court of New South Wales and the High Court of Australia in 1995.

Simon is a member of the Competition and Consumer Law Committee of the Law Council of Australia, the International Bar Association and the Antitrust section of the American Bar Association.

For many years, Simon has been widely recognised as a leading competition and consumer lawyer by external publications. He was recognised as a leading lawyer by Chambers Asia Pacific 2016, Legal 500 Asia Pacific 2015, Who's Who Legal: Competition 2016 and Best Lawyers 2016.