

Douglas Shirrefs

Barrister and Economist



Qualifications

Bachelor of Law
(Honours)

University of Melbourne 2002

Bachelor of Agricultural and Resources
Economics (Honours)
La Trobe University
(1994)

Certificates:
Horticulture

Professional affiliations

Australian Law and Economics
Association
Australian Institute of Company
Directors

Doug came to the Bar in 2005 from a diverse background as a solicitor, economist and tradesman.

During his career he has acquired a wide skill set that make him particularly suited to matters where one or more of law, economics and life skills are involved.

As a professional company director, Doug is uniquely placed to assist clients in solving commercial disputes for large and small businesses. He is committed to alternative dispute resolution and has a reputation as a particularly effective mediator of commercial disputes because of his extensive commercial experience.

As a former employee of the ACCC he is frequently sought out to assist clients being investigated by, or involved in litigation with, the ACCC, Consumer Affairs Victoria and other regulators.

Legal Practice at the Victorian Bar

Called to the Victorian Bar March 2005.

Doug has a diverse commercial practice specialising in franchising and competition and consumer law, including:

- junior counsel for primary Respondents in Australia's largest petrol price fixing case;
- defending companies against investigations by the Australian Competition and Consumer Commission (ACCC) and Consumer

Affairs Victoria;

- advising the ACCC in the preparation of the cartel claim against Visy Industries in the corrugated fibre packaging industry;
- advising the ACCC in the preparation of a cartel claim against parties in the shipping terminals and terminal services industry;
- advising clients in Federal Court class actions where international chemical cartel prosecutions were concerned; and
- advising government clients regarding the scope of regulatory price controls and strategies to avoid contravening Australian competition law.

Doug is regularly briefed to develop ACCC compliance programs, to give training in trade practices compliance and to review and audit compliance programs and report to the ACCC for clients.

More recently he has been briefed by clients facing allegations of breaches of product safety laws where his extensive practical experience as a regulator facilitates efficient and effective resolutions.

Doug is a well-known practitioner in the area of franchising law and disputes, an area of practice where he has considerable expertise and is a regular seminar presenter.

He is also regularly briefed in matters concerning entertainment law, including for and against performing artists, concert promoters, and media identities. He is regularly briefed in rural disputes and farming matters where his background as an agricultural economist is highly sought after.

Doug regularly acts for government agencies involved in business licensing and regulation including acting for or against the Director of Consumer Affairs. He has appeared in seminal cases in the areas of Fundraising and Motor Car Trader regulation.

He advises private clients in relation to mergers, including in regulated industries.

He is experienced in statutory prosecutions and acting for local government.

Legal Practice as a solicitor

Doug practised as a solicitor in Minter Ellison's Australian competition and regulatory group, including:

- acting for, and against, merger participants in clearance and authorisation applications pursuant to section 50 of the then *Trade Practices Act 1974* (Cth) (TPA);

- complicated Part IV matters (TPA anti-competitive conduct provisions), including:
 - conduct of an internal investigation of alleged price fixing conduct in the chemical industry by an Australian subsidiary for its US parent;
 - investigations by the ACCC, including the defence of alleged contraventions of sections 50 and 45 of the TPA;
 - advising on strategies to avoid possible contraventions of the misuse of market power provisions in section 46 in commercial negotiations and contracting; and
 - strategies for avoiding potential contraventions of sections 45 and 47 (TPA anti-competitive arrangements provisions) in distribution agreements.
- advising clients regarding the application of the consumer protection provisions of the TPA, including misleading and deceptive conduct issues - generally in the automotive industry, and the transport and logistics industry;
- defence to an anti-dumping claim by BHP Steel on behalf of Japanese and Chinese rolled steel products;

Doug has experience in briefing expert economists and running cases where economic evidence is involved.

Relevant experience as economist

Prior to commencing legal practice Doug worked as a senior economist for both the Victorian and Commonwealth Government's.

Relevant experience as company director

Board memberships of South East Water Limited, Watermove Pty Ltd, The Victorian Water Industry Association and The Tintern Schools.

A foundation commissioner of the Victorian Taxi Services Commission.

Independent recognition

Invited to be joint sub-editor of the "Snapshots" section of the Competition and Consumer Law Journal in 2007.

Regular invited contributor to the *Australian Financial Review* newspaper.

Published in:

Australian Competition and Consumer Law Journal and *Trade Practices Law Bulletin*.