

730-660 Cartels and Competition Law

Level:	Graduate/Postgraduate
Dates & Locations:	2009, This subject commences in the following study period/s: August, - Taught on campus.
Time Commitment:	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidates background and experience.
Prerequisites:	N.A.
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	Mr Brent Fisse
Subject Overview:	<p>Objectives:</p> <p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Understand the current law on the prohibitions of cartel conduct under the <i>Trade Practices Act 1974</i> (Cth) (price fixing and exclusionary provisions) # Understand the amendments to the <i>Trade Practices Act 1974</i> (Cth) for the criminalisation of serious cartel conduct and the introduction of new per se civil penalty prohibitions # Be familiar with the main legal and economic criticisms of the prohibitions against price fixing and exclusionary provisions in Australia when compared with models from other jurisdictions # Understand the powers of the Australian Competition and Consumer Commission for investigating possible cartel conduct in criminal and/or civil proceedings # Have a clear grasp of what is required for a cogent theory of a cartel case and the evidentiary challenges that often arise # Be able to advise corporations and their employees on liability and related issues, including applications for immunity. <p>Syllabus:</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # The economics of collusion # Collusion as a prime element of the prohibitions against cartel conduct # Fixing, controlling or maintaining a price # Exclusionary provisions # Cartel offences # Individual and corporate responsibility and ancillary liability (including liability for being knowingly concerned) # Defences and exemptions (joint ventures, collective bargaining, intellectual property and export arrangements) # Enforcement and investigation (enforcement policy and guidelines, powers of investigation, immunity and cooperation, concurrent and sequential criminal and civil proceedings, offences relating to powers of investigation) # Damages and class actions # Civil and criminal sanctions against corporate and individual defendants, and compliance programs.
Assessment:	Class participation (10%) Research paper in two parts (each 4,000 words) (90%) (29 October)

Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	Please see the Subject Objectives for this information.
Links to further information:	For the latest information on this subject, please visit: http://www.masters.law.unimelb.edu.au/subject/730660