

## 730-660 Cartels and Competition Law

<b>Credit Points:</b>	12.500
<b>Level:</b>	Graduate/Postgraduate
<b>Dates &amp; Locations:</b>	2008, This subject commences in the following study period/s: Semester 2, - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidate's background and experience.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	N.A.
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	N.A.
<b>Coordinator:</b>	Mr Brent Fisse
<b>Subject Overview:</b>	<p><b>Objectives:</b></p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> <li># Understand the current law on the prohibitions of cartel conduct under section 45 of the <i>Trade Practices Act 1974</i> (price fixing and exclusionary provisions);</li> <li># Understand the amendments to the <i>Trade Practices Act 1974</i> for the criminalisation of serious cartel conduct;</li> <li># Understand the legal, economic and sociological theory behind the prohibitions against price fixing and exclusionary provisions; and the comparative insights offered by competition laws in other jurisdictions;</li> <li># Understand the powers of the Australian Competition and Consumer Commission for investigating possible cartel conduct in criminal and/or civil proceedings.</li> <li># Be informed by a comprehensive range of possible arguments and counter-arguments when analysing and formulating the theory and evidence of a cartel case;</li> <li># Be able to prepare an application for immunity and to manage immunity issues in multi-jurisdiction cases.</li> </ul> <p><b>Syllabus:</b></p> <ul style="list-style-type: none"> <li># Outline of the law and enforcement of per se prohibitions against cartel conduct in Australia and current and emerging issues</li> <li># Elements of liability under the civil prohibitions</li> <li># Elements of liability under the criminal prohibitions</li> <li># Exemptions and defences (including the new joint venture defence)</li> <li># Civil and criminal sanctions against corporate and individual defendants, including sentencing</li> <li># Damages</li> <li># Powers of investigation in criminal and/or civil proceedings (including the ACCC immunity policy)</li> <li># Relationship between and management of civil and criminal proceedings for breaches of the prohibitions against cartel conduct</li> </ul>
<b>Assessment:</b>	Class participation (10%) Research paper in two parts (each being 4,000 words) (90%) (13 November)
<b>Prescribed Texts:</b>	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.

<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	Please see the Subject Objectives for this information.
<b>Links to further information:</b>	For the latest information on this subject, please visit: <a href="http://www.masters.law.unimelb.edu.au/subject/730660">http://www.masters.law.unimelb.edu.au/subject/730660</a>