

730-745 Enforcing Competition Law

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Semester 2, - 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 candidate's background and experience.
Prerequisites:	N.A.
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	Dr Christine Parker, Mr Daniel Clough
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Understand what powers and techniques are available to the Australian Competition and Consumer Commission in monitoring behaviour, investigating potential breaches, and taking enforcement action in relation to the competition provisions of the <i>Trade Practices Act</i>. # Be able to critically evaluate the legitimacy and likely effectiveness of the use of different Australian Competition and Consumer Commission enforcement techniques in specific situations by reference to law and empirical and theoretical research on regulation and compliance. # Understand the range of responses available to businesses and individuals and their advisors in preventing and responding to potential breaches and Australian Competition and Consumer Commission investigations and enforcement action in relation to the competition provisions of the <i>Trade Practices Act</i>. # Be able to critically evaluate the legitimacy and effectiveness of different responses to breaches, Australian Competition and Consumer Commission investigations and enforcement actions including use of the Australian Competition and Consumer Commission's leniency policy, and implementation, operation and review of compliance systems. # Understand different theories and empirical research on the dynamics and impact of the relationship between regulators and regulatees including theories of responsive regulation and cooperative compliance. # Understand the role and ethics of lawyers and other professional advisors in assisting businesses and individuals to comply with the competition provisions of the <i>Trade Practices Act</i> and respond to Australian Competition and Consumer Commission investigations and enforcement actions. <p>Syllabus:</p> <p>This subject will examine the law, practice and theory relating to the ACCC enforcement process and the ways in which businesses and individuals (and their advisors) can handle potential breaches of the competition provisions of the <i>Trade Practices Act</i> and ACCC investigations and enforcement actions. The topics covered will include:</p> <ul style="list-style-type: none"> # The legal powers and available techniques of the ACCC in monitoring conduct, investigating potential breaches and taking enforcement action. # What theory, empirical evidence and practical experience tells us about how regulators such as the ACCC can most legitimately and effectively use the powers and techniques available to them to enforce compliance with the Trade Practices Act.

	<ul style="list-style-type: none"> # The legal rights and responsibilities of businesses and individuals in relation to ACCC investigation and enforcement action. # Theory and practice for businesses and individuals (and their professional advisors) to respond to ACCC investigations and enforcement actions most effectively and legitimately, and also for seeking to proactively maintain cooperative compliance (including whistle-blowing, and implementation, monitoring and reviewing compliance systems). # Professional skills, responsibilities and danger points for advisors (private lawyers, inhouse counsel, compliance managers and compliance consultants) in helping clients comply with the <i>Trade Practices Act</i>, deal with ACCC enforcement action, and conduct independent reviews of compliance systems.
Assessment:	Class participation (20%) (including at least one assigned task in class) Take-home examination (40%) (21-24 November) (approx. 2,500 words) Research paper 4,000 words (40%) (15 January 2009) (topic approved by the subject coordinator)
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/730745