

## LAWS70050 Cartels

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2013, Parkville This subject commences in the following study period/s: April, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>Around the world cartel conduct is singled out as the most serious form of anti-competitive behaviour and the most challenging for legislators, enforcers and business leaders to address. There are vigorous debates taking place internationally about the scope and effectiveness of anti-cartel laws, enforcement policies and sanctions. Taught by two of Australia's experts in this field and the authors of its leading text, this subject explores these debates by taking Australian anti-cartel law and enforcement experience as the starting point and drawing on comparisons with other key jurisdictions, including the United States, the European Union, Canada and New Zealand. With the benefit of this cross-jurisdictional coverage and with a focus on critical analysis of policy arguments and practical implications, the subject will provide students with deep expertise in this specialised and demanding area of competition law and policy.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># The economics of collusion</li> <li># Defining and proving collusion</li> <li># Standards of liability for cartel conduct</li> <li># Exceptions and defences for cartel conduct</li> <li># Corporate and individual liability for cartel conduct</li> </ul>

	<ul style="list-style-type: none"> <li># Sanctions for cartel conduct</li> <li># Immunity and cooperation policies</li> <li># Private enforcement</li> <li># Compliance.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand the current law on the prohibitions of cartel conduct under the <i>Competition and Consumer Act 2010</i> (Cth) (price fixing, restriction of output, allocation of customers, bid rigging, and exclusionary provisions)</li> <li># Be familiar with the main legal and economic criticisms of the prohibitions relating to cartel provisions and exclusionary provisions in Australia when compared with models from other jurisdictions</li> <li># Be familiar with the elements and limitations of the main exceptions available to negate liability for cartel conduct</li> <li># Understand the powers of investigation that may be used to investigate possible cartel conduct and the enforcement policies of the Australian Competition and Consumer Commission (ACCC) and the Commonwealth Director of Public Prosecutions (CDPP)</li> <li># Have a clear grasp of the main procedural and evidentiary issues that are likely to arise in criminal proceedings</li> <li># Be able to advise corporations and their employees on liability and related issues, including applications for immunity and submissions on sentences and penalties.</li> </ul>
<b>Assessment:</b>	Class participation (10%) 8,000 word research paper (90%) (3 July) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<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>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70050/2013">http://www.law.unimelb.edu.au/subject/LAWS70050/2013</a>