

## LAWS70050 Global Cartel Law and Enforcement

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2015, Parkville This subject commences in the following study period/s: July, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<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>Coordinator:</b>	Prof Caron Beaton-Wells
<b>Contact:</b>	For more information: 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>	Around the world cartel conduct is singled out as the most serious form of anti-competitive behaviour and the most challenging for legislators, competition authorities and businesses to address. The OECD has referred to cartels as 'the supreme evil of antitrust.' There are vigorous debates taking place in Australia and internationally about the scope and effectiveness of cartel laws, enforcement policies and sanctions. Taught by experts in the field from Australia and the United States, this subject explores these debates in depth and from the perspectives of the various stakeholders in the field. This subject draws on case studies and compares the approach and experience in the US, Australia and the European Union. Given the international nature of this field of practice, this subject will be relevant both to Australian and international students, and will provide students with deep expertise in this specialised and demanding area

	<p>of competition law and enforcement. This subject will feature guests who are leaders in the field from the profession and the Australian Competition and Consumer Commission.</p> <p>Principal topics 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> <li># Sanctions for cartel conduct (criminal and civil)</li> <li># Enforcement policies (including immunity and leniency policies)</li> <li># Private enforcement (damages)</li> <li># Compliance.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the key economic principles and theories underpinning laws against cartel conduct</li> <li># Have a detailed and sophisticated understanding of the legal rules governing cartel conduct, including prohibitions and exemptions, in Australia, the United States and European Union – including the main similarities and differences between the laws in these jurisdictions</li> <li># Be able to critically examine, analyse, interpret and assess the effectiveness of these legal rules, both in terms of their substance and their form of drafting</li> <li># Be able to critically assess enforcement policies of competition authorities relating to cartel conduct, including immunity and leniency policies, from the perspectives of authorities and businesses</li> <li># Be an engaged participant in national and international discourse regarding emerging and contemporary issues in the field of cartel law and enforcement and contribute in a sophisticated way to law and enforcement reform debates</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to cartel laws and enforcement</li> <li># Have the communication skills to clearly articulate and convey complex information regarding cartel laws and enforcement to relevant specialist and non-specialist audiences</li> <li># Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of cartel law and enforcement.</li> </ul>
<b>Assessment:</b>	<p>Class participation (10%) 6,000 word take-home examination (90%) (28-31 August) or 7,000 word research paper (90%) (14 October) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<b>Prescribed Texts:</b>	<p>Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Links to further information:</b>	<p><a href="http://www.law.unimelb.edu.au/subject/LAWS70050/2015">www.law.unimelb.edu.au/subject/LAWS70050/2015</a></p>
<b>Notes:</b>	<p>This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> (<a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a>) for further information about the management of subject quotas and waitlists.</p>