

# LAWS90064 Cartels

<b>Credit Points:</b>	12.5								
<b>Level:</b>	9 (Graduate/Postgraduate)								
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016. This subject is delivered completely online and there are no printed subject materials.								
<b>Time Commitment:</b>	Contact Hours: 80 hours Total Time Commitment: 150 hours Students are expected to log into the LMS and familiarise themselves with the subject, layout, navigation, activities, readings and assessments the week before formal teaching begins. Students will not be expected to complete any set tasks or readings but will be encouraged to make a start on readings for the module if they so choose.								
<b>Prerequisites:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS90065 Foundations: Competition Law &amp; Economics</td> <td>October, Term 4</td> <td>12.5</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS90065 Foundations: Competition Law & Economics	October, Term 4	12.5
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<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.								
<b>Non Allowed Subjects:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS70050 Global Cartel Law and Enforcement</td> <td>July</td> <td>12.5</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS70050 Global Cartel Law and Enforcement	July	12.5
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<b>Core Participation Requirements:</b>	<p>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 use a computer, including read material on screen, to a competent standard; 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 Student Equity and Disability Support.</p>								
<b>Contact:</b>	<p><b>Dr Rhonda Smith (Coordinator)</b> (<a href="http://law.unimelb.edu.au/about/staff/rhonda-smith">http://law.unimelb.edu.au/about/staff/rhonda-smith</a>), former Commissioner, Australian Competition and Consumer Commission</p>								
<b>Subject Overview:</b>	<p>Cartel conduct is regarded as anathema to competitive markets and consumer welfare. Such conduct encompasses various forms of collusion or collaboration between competitors, the most serious of which involve fixing prices, diving markets, restricting output and rigging bids. These categories of collusion have been shown to raise prices, reduce quality and choice, and stifle business responsiveness and innovation. They are also hard to detect, prosecute and deter. Tougher anti-cartel laws and sanctions have been a high priority for competition authorities for at least the last decade. While there is a high degree of consensus around the world as to the core tenets of the prohibitions applicable to serious cartel conduct, there is a vigorous discourse amongst authorities, practitioners, business and academics regarding the most effective approaches to sanctioning and enforcement.</p> <p>At the same time, not all agreements between business rivals are anti-competitive or detrimental to consumer welfare. Some, such as joint ventures or distribution agreements, may be driven by efficiencies or may be welfare-enhancing in other ways. Competition laws and their enforcement therefore need to distinguish between different types of conduct involving competitors based on their economic rationale and likely effects.</p> <p>This subject refreshes and expands understanding of the economic principles relevant to collusion (or horizontal restraints) that were introduced in the first subject in the course</p>								

	<p>(Foundations: Competition Law &amp; Economics). Students examine critically and in-depth the main prohibitions and exemptions or defences that apply to cartel conduct and other types of collaboration between competitors. They explore who should be held liable for such conduct (companies and/or individuals) and what approaches are or should be taken to sanctioning (administrative and/or criminal). Finally, students explore and assess the effectiveness of the policies and tools that competition authorities deploy in detecting, prosecuting and deterring cartels, as well as learn about and analyse the vigorous debates that relate to private actions for damages arising out of such conduct.</p> <p>Highlights of the subject include:</p> <ul style="list-style-type: none"> <li># Critical examination of the approaches taken to the design and application of cartel laws and sanctions, drawing on examples from different jurisdictions around the world;</li> <li># Use of the rich body of theoretical and empirical research relating to cartel conduct as well as analysis of actual cases and competition authority policy documents and guidelines to aid this examination; and</li> <li># Insights and perspectives from leading stakeholders such as competition authority officials and practitioners to assist students in grappling with the challenges posed by the design and enforcement of anti-cartel rules.</li> </ul>
<b>Learning Outcomes:</b>	<p>On completion of this subject, students will have developed:</p> <ul style="list-style-type: none"> <li># An advanced knowledge of the economic principles, legal rules and enforcement approaches that apply to cartel conduct;</li> <li># Sophisticated cognitive and technical skills that equip them to critically analyse and assess anti-cartel laws and enforcement approaches;</li> <li># A capacity to use the knowledge and skills students have gained in the subject in a way that demonstrates effective autonomy, judgment, adaptability and responsibility as an expert learner and practitioner in the field of global competition and consumer law.</li> </ul>
<b>Assessment:</b>	<p>Participation in and contributions to discussion board and tutorials, Throughout term: weeks 1-8 (20%) Mid-term assessment task (practical exercise) (max 4000 words), Week 5 (30%) Final assessment task (reflective essay) (max 6000 words), Week 9 (50%)</p>
<b>Prescribed Texts:</b>	None
<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.unimelb.edu.au/online/global-competition-consumer-law/">http://www.unimelb.edu.au/online/global-competition-consumer-law/</a>
<b>Related Course(s):</b>	<p>Graduate Diploma in Global Competition and Consumer Law  Master of Global Competition and Consumer Law  Master of Laws (Global Competition and Consumer Law)</p>