

THE CARTEL CRIMINALISATION EXPOSURE DRAFT BILL  
21 FEBRUARY 2008

Name:..... Mr/Ms

Firm/Organisation: .....

Address: .....

Postcode: ..... DX: .....

Tel: ..... Fax: .....

Email:.....

COST OF ATTENDANCE: Full fee : \$125 (GST incl) ;  
Full time student/unwaged: \$55 (GST incl)

I enclose cheque for \$        made payable to  
"The University of Sydney"

OR please charge the following credit card:

MasterCard         VISA

Name on Card:.....

Card No: .....

Expiry Date:.....Amount:.....

Cardholder's Signature:.....

Date:.....

Privacy note: The information you provide may be used to maintain contact and keep you up-to-date with information about the University, its services, events and achievements. If you do not wish to receive this information, please contact Legal Professional Development (02 9351 0238, or email: V.Carey@usyd.edu.au). The University abides by the NSW Privacy and Personal Information Protection Act.

Cancellation Policy: Cancellations will be accepted up to one (1) day prior to the seminar. Cancellations received after this time will incur a \$25 administration charge.

PLEASE RETURN THIS FORM TO:  
Legal Professional Development  
Faculty of Law, University of Sydney  
173-175 Phillip Street, Sydney NSW 2000  
(DX 983 SYDNEY) Fax: (02) 9351 0200

ENQUIRIES : Please contact (02) 9351 0238

## LEGAL PROFESSIONAL DEVELOPMENT

Sydney Law School offers Professional Development seminars, courses and units of study in a range of subjects and modes, including intensive programs, seminars series and individual evening presentations.

Seminars, courses and postgraduate units of study are available to anyone with an interest in the area of study. There is no prior educational requirement although some postgraduate units assume a prior knowledge in the area.

Seminars, courses and units of study offered under Sydney Law School's LPD program meet the necessary requirements of both the Law Society of New South Wales and the New South Wales Bar Association in relation to their individual members.

### For further information please contact:

Legal Professional Development, Faculty of Law,  
University of Sydney, 173-175 Phillip Street,  
SYDNEY NSW 2000, Telephone: (02) 9351 0238  
Email: V.Carey@usyd.edu.au

This seminar is part of the Legal Professional Development Program administered by the Faculty of Law at The University of Sydney. Attendance at this seminar will qualify participants for 2 MCLE/CPD units if this particular educational activity is relevant to their immediate or long term needs in relation to their professional development and practice of the law.



## SEMINAR

# The Cartel Criminalisation Exposure Draft Bill, Discussion Paper and the Draft ACCC-DPP MOU

THURSDAY 21 FEBRUARY 2008  
5:30 pm - 7:30 pm

### PAPER PRESENTERS

Brent Fisse, Associate of the Ross Parsons  
Centre of Commercial, Corporate and Taxation  
Law, Faculty of Law, University of Sydney  
Dr Caron Beaton-Wells, University of Melbourne

### COMMENTATORS

The Honourable Justice Roger Gyles AO,  
Federal Court of Australia  
Luke Woodward, Partner, Gilbert & Tobin

### CHAIR

Dr Brett Williams, Sydney Law School

SYDNEY LAW SCHOOL  
UNIVERSITY OF SYDNEY  
173 - 175 PHILLIP STREET SYDNEY

## The Cartel Criminalisation Exposure Draft Bill, Discussion Paper and the Draft ACCC-DPP MOU:

### Key Points and Critical Legal & Policy Questions

#### About the Seminar:

On 11 January 2008 the Commonwealth Government released an Exposure Draft of the long awaited legislation to criminalise serious cartel conduct, the Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008 together with a Discussion Paper, and draft Memorandum of Understanding between the ACCC and DPP. The Government is seeking submissions on the draft legislation by 29 February. In order to inform and facilitate public debate on this major development in competition law enforcement and business regulation, the Parsons Centre will be hosting an evening seminar featuring a paper by Dr Caron Beaton-Wells and Mr Brent Fisse highlighting the key points and critical policy issues, with commentaries by Justice Roger Gyles and Mr Luke Woodward, Partner, Gilbert + Tobin.

Copies of the:

*“Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008 – Exposure Draft”*

The Commonwealth Department of Treasury Discussion paper “Criminal Penalties for Serious Cartel Conduct”, and the

“Draft memorandum of Understanding between the Commonwealth DPP and the ACCC Regarding Serious Cartel Conduct”

are available at: <http://www.treasury.gov.au/contentitem.asp?NavId=&ContentID=1330>

## The Speakers

**Brent Fisse** is a Sydney trade practices and competition lawyer and an Associate of the Ross Parsons Centre of Commercial, Corporate and Taxation Law, having previously been a professor of law at the University of Sydney. He has advised competition agencies and major corporations on enforcement, liability and compliance issues. His publications include: *Corporations, Crime and Accountability* (with John Braithwaite, 1993). He is a member of the Law Council of Australia’s Trade Practices Committee and the American Bar Association Section of Antitrust Law.

**Dr Caron Beaton-Wells** is the Director of Studies for Competition Law at the Melbourne Law School, University of Melbourne. She teaches Competition Law in the Juris Doctor program and co-teaches *Enforcing Competition Law* in the graduate program. She has published widely in the area, including *Proof of Antitrust Markets* (Federation Press, 2003) and more recently, “Capturing the Criminality of Hard-Core Cartels: The Australian Proposal” (2007) *Melbourne ULRev*. Dr Beaton-Wells has been a member of the Victorian Bar since 1997 and is a member of the Trade Practices Committee, Business Law Section of the Law Council of Australia.

**The Honourable Justice Roger Gyles AO** has been a Judge of the Federal Court of Australia since 1999. He is also an Additional Judge of the Supreme Court of the Australian Capital Territory, a Deputy President of the Australian Competition Tribunal and a Presidential Member of the Administrative Appeals Tribunal. He is an Arbitrator of the Court of Arbitration for Sport.

He graduated from Sydney University with First Class Honours in Law in 1961, and, after practising as a solicitor, was admitted to the Bar in 1964 and appointed Queen’s Counsel in 1975.

**Luke Woodward** is a partner at Gilbert + Tobin. He joined the firm after many years experience at the ACCC. When at the ACCC, Luke conducted or oversaw many major investigations, including in relation to international cartels. He also established the first working relationships with the US DOJ in relation to international cartels, including in the Vitamins case.

**Brett Williams**, a Senior Lecturer and Associate of the Ross Parsons Centre of Commercial, Corporate and Taxation Law, teaches the UG course *Competition Law* in the Faculty of Law at the University of Sydney. He also teaches, publishes and consults in the Law of the World Trade Organization and is the Director of the Programme in International Economic Law of the Sydney Centre for International Law.

#### SEMINAR

##### The Cartel Criminalisation Exposure Draft Bill

**DATE:** Thursday 21 February 2008

**TIME:** 5.30 pm – 7.30 pm  
(Seminar commences at 5.30 pm with registration desk and light refreshments available from 5.00 pm)

**COST:**  
Full Fee Registration: \$125 (GST incl.)  
Full time student/unwaged: \$55 (GST incl.)

**LOCATION:**  
Sydney Law School, 173-175 Phillip Street, Sydney