

2023 COMPETITION LAW CONFERENCE
SHERATON GRAND, SYDNEY HYDE PARK HOTEL
HYDE PARK ROOM and ONLINE
SATURDAY, 6 MAY 2023

9.00 am	Welcome and Opening Remarks	
	Convenor	Chris Hodgekiss, Adjunct Professor of Law, University of Sydney
9.10 am	KEYNOTE ADDRESS	
	Moderator	The Honourable Justice Michael Wigney Federal Court of Australia
9.15 am	Speaker	Gina Cass-Gottlieb Chair, Australian Competition & Consumer Commission
	<i>The ACCC's outlook and priorities for competition enforcement</i> (Discussion points TBC)	
9.35 am	Commentator	Stefanie Benson Partner, White & Case
9.50 am	Discussion (30 minutes)	
10.20 am	Break (30 minutes)	
10.50 am	SESSION 2	
	Moderator	The Honourable Justice Robert Bromwich Federal Court of Australia
10.55 am	Speaker	Brent Fisse Principal, Brent Fisse Lawyers Sydney, Honorary Professor University of Sydney, ADB Consultant
	<p><i>Australian Cartel Law: Recent Developments</i></p> <p>This session will review recent developments:</p> <ul style="list-style-type: none"> ➤ Criminal cartel conduct – implications of the ANZ prosecution ➤ Maximum fines and civil monetary penalties for cartel conduct – nature and impact of the recent legislative escalation ➤ Application of fines and financial penalties to corporations for cartel conduct – transition from a multi-factor smorgasbord to a menu of prime cuts (with desert (fines) or without desert (civil monetary penalties), after <i>Australian Building and Construction Commissioner v Pattinson</i> [2022] HCA 13) 	

	<ul style="list-style-type: none"> ➤ 'Cartel provision' – counterfactual analysis in price fixing; overreach, underreach and complexity ➤ Corporate and individual liability – allocation of individual accountability; definition of corporate fault ➤ Ancillary liability – attempted inducement of cartel conduct; sidewinder liability (ie Al Capone charges) ➤ Exceptions – increased relevance of authorisation (climate change, Covid-19, wide definition of 'cartel provision', limited scope of exceptions), and meagre development of class exemptions and exceptions relating to joint ventures and supply contracts between competitors ➤ Immunity – comparison of ACCC and CDPP immunity policies with US DOJ cartel leniency policy in light of changes to the DOJ policy in April 2022 	
11.40 am	Commentator	Elizabeth Richmond Partner, Clayton Utz
11.55 pm	Discussion	
12.10 pm - 1.10 pm	Lunch Break (1 hour)	
1.15 pm	SESSION 3	
	Moderator	The Honourable Justice John Halley Federal Court of Australia
1.20 pm	Speaker	Professor Julie Clarke Associate Dean, Digital Technologies Associate Dean, Melbourne Law Masters Director of Studies, Competition and Consumer Law University of Melbourne
	<p><i>Proof of Purpose</i></p> <p>This session will discuss definitional and evidentiary issues associated with proof of purpose in Part IV of the Competition and Consumer Act, including consideration of:</p> <ul style="list-style-type: none"> ➤ the meaning(s) of purpose throughout Part IV ➤ the distinction between purpose and motive ➤ the evidentiary challenges of proving purpose ➤ the importance of purpose in future Australian competition litigation. 	
2.05 pm	Commentator	Andrew Christopher Partner, Webb Henderson
2.20 pm	Discussion	
2.35 pm	Break (30 minutes)	

3.05 pm	SESSION 4 A & B	
	Moderator	Dr Martyn Taylor Partner, Norton Rose Fulbright
	SESSION A	
3.10 pm	Speaker	Liza Carver Commissioner Australian Competition and Consumer Commission
	<i>5th Interim Report on the implementation of the Codes of Conduct in Digital Platforms</i> (TBC) (Discussion points TBC)	
5-minute break		
3.45 pm	SESSION B	
	Speaker	Dr Luke Wainscoat Senior Economist, HoustonKemp
	<i>Are ex ante regulations required to curb the market power of digital platforms?</i> In this session, Luke will discuss the following important issues: <ul style="list-style-type: none"> ➤ An assessment of market power of digital platforms is key to assessing the need for ex ante regulation ➤ How the market power of digital platforms can be assessed. ➤ Reviewing the evidence of market power set out by the ACCC. 	
4.15 pm	Commentator	Jennifer Fish Principal, Charles River Associates
4.30 pm	Discussion (20 minutes)	
4.50 pm	Close of Conference	
4.50 pm to 5.50 pm	Refreshments and Canapés in the Hyde Park Room Foyer	



Competition Law Conference
Saturday, 6 May 2023
Sheraton Grand, Sydney Hyde Park
In-Person - Hyde Park Room or Virtual Attendance

REGISTRATION FORM

REGISTRATION DETAILS

Title First Name

Last Name

Organisation

Position

Telephone

Email

Attendance Check relevant box: In person Virtual

* This form can be opened and the edit fields completed using Adobe Acrobat.

REGISTRATION FEES (inclusive of GST): **[In person] AUD\$975 pp** and **[Virtual] AUD\$750 pp**

For those attending in person, this fee includes payment for all Conference materials, including morning and afternoon teas, lunch, refreshments and post-conference canapes and beverages. For those attending via zoom, this fee includes all conference materials only. If this conference is relevant to your professional development, you may claim one CLE/CPD point for each hour of attendance, excluding breaks.

BANK DETAILS

BANK NATIONAL AUSTRALIA BANK, ST IVES
SWIFT CODE: NATAAU3303M
BSB: 082-445
ACCOUNT NAME: COMPETITION LAW CONFERENCE
ACCOUNT #: 55-509-2535

PAYMENT: closing date for registrations is **16 April 2023**

Payment can be made by **BANK TRANSFER ONLY**- account details are set out above.

Please note that, unfortunately, payment by credit card is NOT available

The completed Registration Form should be returned by email to chris@hodgekiss.com.au

However, a place will not be reserved without receipt of the registration fee. A tax invoice/receipt will be issued upon receipt of the registration fees.

It would be appreciated if you could ensure that **your name and the name of the organisation/firm** are quoted with the Eftpos transfer details to ensure easy identification.

Bank Charges for payments from overseas

Please be aware when completing the International Funds Transfer form, the boxes which indicate where the bank charges are to be debited need to be ticked to indicate that **ALL CHARGES are to be debited to the Payee's bank account**. (i.e. bank charges of both the sending bank and the receiving bank). Unless this is done, the full registration fee is not credited to the conference account and a second payment will required to make up the shortfall which will, unfortunately, incur additional costs for your firm

ACCOMMODATION

For those wishing to stay at the Sheraton Grand, Sydney Hyde Park Hotel please contact them directly to make your reservation via the following link: [Sheraton Reservations](#)

Choose the **Corp/Promo** dropdown in the **Special Rates** box on the right hand side of the reservation page and quote the code **KF7** to be able to access the '10% discount on the Best Available Rate.

For further information please contact:

Convenor (Chris Hodgekiss) **Mobile # +61 412 555 968** or

Administration (Chris Hodgekiss) **Mobile # +61 411 442 675**

Privacy Statement:

To protect your privacy, the information provided on this form will be used only for the purposes of processing your registration at this conference. It will not be disclosed to any third party.

Programme Changes: The organisers reserve the right to vary the programme and context if occasion obliges us to do so.

Cancellation Policy: Written cancellation will be accepted up to one week before the conference and the fees will be refunded less a \$50.00 administrative charge. Withdrawal after this time or registered delegates who do not attend the conference will not be entitled to a refund. However, substitutions are allowed at any time.

Losses: The organisers are not responsible for any financial or other losses incurred by delegates or for injury or damage to persons or property. The organisers' maximum liability for conference cancellation or any other loss or liability is the refund of the registration fee paid less the \$100 administration charge.