

CRACKING CARTELS 04



INTERNATIONAL AND
AUSTRALIAN DEVELOPMENTS

PROGRAM

8:00–9:00 Registration

9:00–10:00 Session 1

Keynote addresses:

Graeme Samuel, Chairman, Australian Competition and Consumer Commission

R Hewitt Pate, Assistant Attorney-General, Anti-trust Division, United States Department of Justice

Paula Rebstock, Chair, New Zealand Commerce Commission

10:00–10:20 Morning tea

10:20–12:00 Session 2 Leniency and immunity

Investigation and leniency: a review of leniency policies and current programs in Australia and overseas. This session will also include an overview of the ICN Leniency Workshop held prior to the ACCC Enforcement Conference.

Moderator: David Smith, ACCC Commissioner

Keynote presentations:

Gary Spratling, Partner, Gibson, Dunn & Crutcher LLP

Scott Hammond, Acting Deputy Assistant Attorney-General, Anti-trust Division, United States Department of Justice

Panel response:

Bob Alexander, General Counsel, Australian Competition and Consumer Commission

Gina Cass-Gottlieb, Partner, Gilbert & Tobin

Question and answer session

12:00–13:40 Luncheon seminar Penalties and hard-core cartels

Justice Finkelstein will deliver a speech entitled ‘Criminalising hard-core cartels: competition law enters the “moral universe”’. The speech and subsequent discussion will deal with the effect that the possible criminalisation of trade practices breaches may have on the approach to penalties generally.

Chairs: Peter Toy, ACCC Deputy General Counsel and
Rose Webb, ACCC Regional Director (New South Wales)

12.00 Lunch served

Justice Finkelstein, Federal Court of Australia

Question and answer session

13:40–15:10 Session 3 Cartel detection: a jurisdictional perspective

Panellists will present a short paper highlighting particular trends within their jurisdiction and how they target cartels. Following the presentations, there will be an open discussion involving panel members and the audience.

Moderator: Jennifer McNeill, ACCC Commissioner

Panel presentations:

Simon Williams, Director of Cartel Investigations, Office of Fair Trading, UK

Dr Felix Engelsing, Head of the German and European Cartel Law Unit, BundesKartellamt, Germany

Joseph Seon Hur, Director General of the Cartel Bureau, Korea Fair Trade Commission

Colette Downie, Assistant Deputy Commissioner of Competition Criminal Matters, Competition Bureau, Canada

Questions and answers

15:10–15:40 Afternoon tea

15:40–17:10 Session 4 International cooperation

Panellists will provide an analysis of cross-jurisdictional matters, including cooperation between international agencies in detecting and prosecuting global cartels.

Moderator: Lee Hollis, ACCC General Manager, Enforcement & Coordination

Kazuyuki Funahashi, Deputy Director-General of Investigation Bureau, Japan Fair Trade Commission

Emil Paulis, Director, Director-General Competition, European Commission

Professor Bob Baxt, Partner Elect, Freehills

Questions and answers

17:10–17:15 Close

Closing remarks:

Graeme Samuel



Australian
Competition &
Consumer
Commission

The ACCC invites you to attend a law enforcement conference
Cracking Cartels International and Australian developments

CONFERENCE OBJECTIVES

Cracking Cartels brings international and domestic competition experts together to discuss the latest issues in competition law and practice.

Don't miss this opportunity to hear:

- about challenges facing enforcers in an increasingly borderless environment and how international agencies cooperate to detect, investigate and take action against cartels
- the latest on international and domestic leniency policies, including an overview of the 2004 International Competition Network (ICN) Leniency Workshop
- A Federal Court judge's view on the likely effect that the possible criminalisation of trade practices breaches may have on the approach to penalties in general

The conference will feature panellists from jurisdictions in North America, the United Kingdom, Europe and the Asia Pacific.

WHO SHOULD ATTEND

Cracking Cartels is designed to draw interest from competition lawyers, business and industry and consumer representatives.

PANELLISTS

Mr Graeme Samuel, Chairman, Australian Competition and Consumer Commission

Mr Kazuyuki Funahashi, Deputy Director-General of the Investigation Bureau, Japan Fair Trade Commission

Mr R Hewitt Pate, Assistant Attorney-General of the Anti-trust Division, United States Department of Justice

Ms Colette Downie, Assistant Deputy Commissioner of Competition Criminal Matters, Competition Bureau Canada

The Honourable Justice Finkelstein, Judge of the Federal Court of Australia

Professor Bob Baxt, Partner Elect, Freehills

Mr Gary Spratling, Partner, Gibson, Dunn & Crutcher and co-chair of the firm's Antitrust Practice Group

Dr Felix Engelsing, Head of the German and European Cartel Law Unit, BundesKartellamt, Germany

Mr Scott Hammond, Acting Deputy Assistant Attorney-General, Anti-trust Division, United States Department of Justice

Mr Bob Alexander, General Counsel, Australian Competition and Consumer Commission

Ms Paula Rebstock, Chair, New Zealand Commerce Commission

Mr Joseph Seon Hur, Director-General of the Cartel Bureau, Korea Fair Trade Commission

Mr Simon Williams, Director of Cartel Investigations, Office of Fair Trading, United Kingdom

Ms Gina Cass-Gottlieb, Partner, Gilbert & Tobin

Mr Emil Paulis, Director, Director-General Competition, European Commission

SPEAKERS BIOGRAPHIES

Graeme Samuel, Chairman, Australian Competition & Consumer Commission

Mr Samuel was appointed as Chairman of the ACCC in August 2003. His professional career began as a partner of the law firm Phillips Fox & Masel from 1972 to 1980. He then became Executive Director of Hill Samuel Australia Limited and subsequently Macquarie Bank Limited from 1981 to 1986 and co-founder of Grant Samuel & Associates in 1988. Before joining the ACCC, Mr Samuel was President of the National Competition Council from 1997–2003. He has held many public offices (some of which he relinquished to assume his position with the ACCC) including Commissioner of the Australian Football League (1984–2003), Chair of Opera Australia (1995–2000) and President of the Australian Chamber of Commerce and Industry (1995–97). He was awarded Officer in the General Division of the Order of Australia in 1998.

R Hewitt Pate, Assistant Attorney-General, Anti-trust Division, US Department of Justice

Hew Pate was appointed in June 2003, having been acting in the position since 2002. Previously, as a Deputy Assistant Attorney-General, Mr Pate oversaw airline, transportation, energy and regulatory issues. Before his appointment to the Anti-trust Division, Mr Pate practised law at Hunton & Williams where he was a partner on the firm’s antitrust team. In 1999 he served as the Ewald Distinguished Visiting Professor of Law at the University of Virginia.

Paula Rebstock, Chair, New Zealand Commerce Commission

Paula Rebstock was appointed Chair of the Commerce Commission in December 2003 for a term of three years. She was initially appointed as an Associate Commissioner for three years from August 1998, and as a Commissioner, including a period as Deputy Chair, for a further four years in July 2000. Ms Rebstock was formerly the General Manager of Policy at the Department of Labour, an economic advisor in the Department of the Prime Minister and Cabinet, and at the Treasury. Ms Rebstock is a director of the Foundation for Research, Science and Technology and is the Chair of Local Media Group Limited. She is also an economics consultant.

Colette Downie, Assistant Deputy Commissioner, Criminal Matters, Competition Bureau Canada

As an Assistant Deputy Commissioner in the Criminal Matters Branch of the Competition Bureau, Ms Downie is responsible for managing investigations into allegations of criminal price fixing, bid rigging and price maintenance affecting Canadian businesses and consumers. She also co-chairs the International Competition Network’s cartels subgroup on enforcement techniques. Over the course of her 12 year career at the Bureau, Ms Downie has managed, prosecuted and investigated a variety of criminal competition matters. She also spent five years as the Special Advisor to three Commissioners of Competition.

The Honourable Justice Raymond Finkelstein, judge of the Federal Court of Australia

Justice Finkelstein was appointed judge of the Federal Court of Australia in 1997, and Deputy President of the Copyright Tribunal in March 1998. He had previously been Acting Solicitor-General in Victoria in 1992 and was appointed a Queens Counsel in 1986. He practised as a solicitor, senior teaching fellow and barrister after completing his degree in 1969.

Gary Spratling, partner with Gibson, Dunn & Crutcher in its San Francisco and Brussels offices

Mr Spratling was a US Department of Justice prosecutor for 28 years, serving most recently as the Deputy Assistant Attorney-General responsible for investigating and prosecuting international cartels and other criminal violations of antitrust laws. He was the highest ranking career lawyer in the Anti-trust Division and is a two-time recipient of the Presidential Rank Award (Presidents Bush and Clinton)—the highest honour conferred on federal government executives. Mr Spratling is currently Chair of the International Cartel Enforcement Task Force and currently serves on the Advisory Group on Organizational Guidelines to the United States Sentencing Commission. He is co-chair of Gibson, Dunn & Crutcher Anti-trust Practice Group.

Scott D Hammond, Acting Deputy Assistant Attorney-General, Anti-trust Division, US Department of Justice

As the Director of Criminal Enforcement, Mr Hammond has supervisory authority over the Anti-trust Division’s domestic and international criminal antitrust investigations and prosecutions. His responsibilities include reviewing all requests for amnesty under the Division’s Corporate and Individual Leniency Policies as well as all recommendations to open criminal investigations or bring criminal charges. Since joining the Division in 1988, Mr Hammond has also served as Senior Counsel for Criminal Enforcement to the Assistant Attorney-General and as a trial attorney in one of the Division’s litigation sections.

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CONFERENCE DETAILS

When: Wednesday 24 November 2004

Where: Four Points by Sheraton Darling Harbour
161 Sussex Street, Sydney NSW 2000 Australia
Telephone +61 2 9290 4000

Cost: \$975 per person
Excludes accommodation. Lunch and refreshments provided.

Call the hotel reservation line on +61 2 9290 4000. State you are an ACCC conference delegate.
Rooms are limited so book early.

REGISTRATION

FAX BACK REGISTRATION +61 2 6243 1158—ONE FORM PER PERSON

Simply complete and fax or mail the attached registration form to the ACCC—no group discounts apply.
Please note—places are strictly limited so register early to avoid disappointment.

Registration details

Title: **Name:**

Organisation/Company:

Position:

Preferred name on badge:

Address:

Phone: **Fax:**

Email:

Do you have any special dietary requirements?

Payment due with registration.

Your registration and payment details
can be sent to Nicole Brangwin at:

fax +61 2 6243 1158
mail ACCC International Unit
PO Box 1199
DICKSON ACT 2602

For all other inquiries please contact Nicole:

phone +61 2 6243 1392
email enforcementconference@accc.gov.au

Cancellation policy

Cancellations will be accepted up to 10 November 2004.
Withdrawal after this time but before the conference
will incur a cancellation charge of AUS\$100.
Cancellations made after 23 November 2004
will not be eligible for a refund.

Payment details (please choose one)

A tax invoice will be issued on receipt of payment

☐ I enclose a cheque payable to 'Australian
Competition and Consumer Commission' for
AUS\$975.00

☐ Please charge **AUS\$975.00** to my:

☐ Bankcard ☐ MasterCard ☐ Visa

Card number:

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