


# Australian Pecuniary Penalties for Competition Law Infringements

 26 March 2018

 [oe.cd/2cw](mailto:oe.cd/2cw)
 Registration by email:

 08:45 – 17:45

 The Westin Sydney, Sydney - Australia

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## AGENDA

In the context of Australia's Competition law, the current legislative framework that allows for the imposition of pecuniary penalties is capable of delivering outcomes that achieve both specific and general deterrence. Despite this, more recent judicial commentary from a number of Federal Court decisions has enlivened the issue of whether sufficient deterrence is being achieved, particularly where large businesses are concerned. The OECD has produced a report reviewing Australia's pecuniary sanctions regime, drawing comparisons with a number of OECD jurisdictions. The report considers whether the current system and level of pecuniary penalties in Australia are achieving sufficient deterrence, particularly in the context of large business.

This workshop will take place in the context of the release and presentation of the OECD's final report. Topics relevant to the report will be considered by a number of panels, allowing for the views of academics, the legal profession, judges and business and consumer stakeholders from Australia and abroad.

08:00 – 08:45	Registration
08:45 – 09:00	Opening and Housekeeping
09:00 – 09:30	<b>Keynote Speech by Prof. Frederic Jenny</b> , Chairman of the OECD Competition Committee, Professor of Economics at ESSEC Business School and former Judge on the French Supreme Court (Cour de cassation)
09:30 – 11:00	<b>Presentation of OECD Report on Pecuniary Penalties for Competition Law Infringements in Australia</b> <ul style="list-style-type: none"> <li>• Sean Ennis, Senior Economist, OECD Competition Division</li> <li>• Pedro Caro de Sousa, Competition Expert, OECD Competition Division</li> </ul>
11:00 – 11:15	Coffee break
11:15 – 12:15	<b>Chair: Sean Ennis</b> , Senior Economist, OECD Competition Division  <b>Panel 1. Academic Perspectives</b> <ul style="list-style-type: none"> <li>• Prof. Caron Beaton-Wells, Director of Studies, Competition and Consumer Law, University of Melbourne</li> <li>• Prof. John Connor, Emeritus Professor, Purdue University</li> </ul>
12:15 – 13:05	Lunch break

13:05 – 13:45	<p><b>Speech by Rod Sims</b>, Chairman of the ACCC <i>The Regulator's View</i></p> <p><b>Speech by Sarah McNaughton SC</b>, Commonwealth Director of Public Prosecutions <i>The Prosecutor's View</i></p>
13:45 – 14:45	<p><b>Chair: Pedro Caro de Sousa</b>, Competition Expert, OECD Competition Division</p> <p><b>Panel 2. The Legal Profession's View</b></p> <ul style="list-style-type: none"> <li>• <b>Tim Begbie</b>, Senior General Counsel, Australian Government Solicitor</li> <li>• <b>Fiona Crosbie</b>, Chairman of Allens, Chair of the Competition and Consumer Committee of the Law Council of Australia</li> <li>• <b>Norman O'Bryan AM SC</b></li> </ul>
14:45 – 15:00	Coffee break
15:00 – 16:00	<p><b>Chair: Sean Ennis</b>, Senior Economist, OECD Competition Division</p> <p><b>Panel 3. The Business and Consumer Perspective</b></p> <ul style="list-style-type: none"> <li>• <b>Dr Craig Latham</b>, Deputy Ombudsman, Australian Small Business and Family Enterprise Ombudsman</li> <li>• <b>Danny Gilbert AM</b>, Business Council of Australia / Managing Partner, Gilbert + Tobin</li> <li>• <b>Kirstie Nicholson</b>, Managing Counsel Competition – Legal, BHP</li> <li>• <b>Gerard Brody</b>, CEO, Consumer Action Law Centre</li> </ul>
16:00 – 17:30	<p><b>Chair: Prof. Frederic Jenny</b>, Chairman of the OECD Competition Committee, Professor of Economics at ESSEC Business School and former Judge on the French Supreme Court (Cour de cassation)</p> <p><b>Panel 4. Judicial Experiences with Competition Sanctions</b></p> <ul style="list-style-type: none"> <li>• <b>Sir Marcus Smith QC</b>, Justice of the High Court of England and Wales and the Competition Appeal Tribunal (<i>via skype</i>)</li> <li>• <b>The Hon Ray Finkelstein AO QC</b>, Former Justice of the Federal Court and former President of the Australian Competition Tribunal</li> <li>• <b>Judge Savvas Pappasavvas</b>, Judge of the General Court of the European Union</li> </ul>
17:30 – 17:45	<p><b>Closing Remarks by Prof. Frederic Jenny</b>, Chairman of the OECD Competition Committee, Professor of Economics at ESSEC Business School and former Judge on the French Supreme Court (Cour de cassation)</p>