

2016 COMPETITION LAW CONFERENCE

SHERATON ON THE PARK HOTEL, SYDNEY
 SATURDAY, 21 MAY 2016
 HYDE PARK ROOM
 PROGRAMME

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| 8.30 am | Registration | |
| 9.10 am | Welcome and Opening Remarks | |
| | Convenor | Christopher Hodgekiss SC , Barrister (NSW Bar), and Adjunct Professor of Law, University of Sydney |
| 9.15 am | Session 1 | <i>Every time I find the meaning of life, they change it</i> |
| | Chair | TBC |
| 9.15 am | Speaker | Justice John Mansfield AM Federal Court of Australia |
| 10.00 am | Commentator | TBC |
| 10.15 am | Discussion | |
| 10.30 am | Morning Tea | |
| 11.00 am | Session 2 | <i>Forecasting SLC: economists versus lawyers</i> |
| | Chair | TBC |
| 11.00 am | Speaker | John Kench Partner, Johnson Winter & Slattery |
| 11.45 am | Commentator | Dr Philip Williams AM Head of Legal and Competition Practice, Frontier Economics |
| 12.00 pm | Discussion | |
| 12.15 pm | LUNCH (Feast Restaurant) | |
| 1.30 pm | Session 3 | <i>The Unmet Challenge of Facilitating Practices: MFN Clauses as one Acid Test</i> |
| | Chair | TBC |
| 1.30 pm | Speaker | Brent Fisse Principal, Brent Fisse Lawyers and Adjunct Professor of Law, University of Sydney |
| 2.15 pm | Commentator | Dr Luke Wainscoat Senior Economist, HoustonKemp |

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| 2.30 pm | Discussion | |
| 2.45 pm | Afternoon Tea | |
| 3.15 pm | Session 4 | <i>The Use and Misuse of Section 46</i> |
| | Chair | TBC |
| 3.15 pm | Speaker | Luke Woodward Partner, Gilbert + Tobin |
| 4.00 pm | Commentator | Dr Geoff Edwards Vice-President, Charles River Associates |
| 4.15 pm | Discussion | |
| 4.30 pm | Close of Conference | |
| 4.30 pm - 5.30 pm | Refreshments and Canapés (Hyde Park Room Lobby) | |

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 SESSION DETAILS

Session 1 THE HONOURABLE JUSTICE JOHN MANSFIELD AM, Federal Court of Australia

Every time I find the meaning of life, they change it!

Justice Mansfield will examine, and in part query, some of the trends in identifying contraventions of the *Competition and Consumer Act*

Session 2 JOHN KENCH, Partner, Johnson Winter and Slattery

Forecasting SLC: economists versus lawyers

Some of the issues to be covered by John in this presentation include:

- Prognosticators and soothsayers: prophets Moses to Bannerman, McComas, Baxt, Fels, Samuel and Sims, with Heerey, Goldberg and Emmett in-between
- Detectives versus judges: Hard practical matters of fact versus fiction
- Crystal ball-gazing the factual and counterfactual
- Time, barriers and Innovation
- Who might know?
- Cheap talk
- "Build upon the rock and not upon the sand" the Judges tell me so.

COMMENTATOR: DR PHILIP WILLIAMS AM, Head of Legal and Competition Practice, Frontier Economics

Session 3 BRENT FISSE, Principal, Brent Fisse Lawyers and Adjunct Professor of Law, University of Sydney

The Unmet Challenge of Facilitating Practices: MFN Clauses as one Acid Test

Brent will consider many of the issues faced by facilitating practices including the challenges of working out a responsive "functional" solution:

- Introduction: Outline of main issues
- What are facilitating practices (FP) and why do they matter to competition policy?
- The capacity of Australian competition law to address the anti-competitive use of MFN clauses
- Comparative approaches to the anti-competitive use of MFN clauses
- The future of the anti-competitive use of MFN clauses in Australia

COMMENTATOR: DR LUKE WAINSCOAT, Senior Economist, HoustonKemp

Session 4 LUKE WOODWARD, Partner, Gilbert + Tobin

The Use and Misuse of Section 46

The issues to be considered by Luke in this session include:

- Stocktake on section 46: where are we now?
- Key points in the development of the section
- Current views on section 46
- Assessing the need for further changes
- The impact of proposed changes

COMMENTATOR: DR GEOFF EDWARDS, Vice President, Charles River Associates

For further details please contact Chris Hodgekiss SC

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