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AUSTRALIAN CARTEL REGULATION

*Law, policy and practice in
an international context*

CARON BEATON-WELLS
BRENT FISSE

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Mark Williams



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Australian Cartel Regulation Caron Beaton-Wells, Brent Fisse, 2011-04-25 Cartel regulation is a prime element of competition policy and an essential means of minimising the adverse effects of cartel activity on economic welfare However effective cartel regulation poses distinct challenges for governments competition authorities and commentators across the globe In Australian Cartel Regulation leading competition law experts Caron Beaton Wells and Brent Fisse reflect on developments in anti cartel law in Australia over the last 30 years They provide a comprehensive account of the current law on cartels as well as discussing key issues that may arise in the future This definitive volume not only identifies the practical and theoretical issues but also recommends workable solutions and does so with the benefit of comparative analysis of the anti cartel laws of major overseas jurisdictions Many of the issues identified and discussed in Australian Cartel Regulation are common to any scheme designed to regulate cartel conduct

Competition Law and Economics in Australia, Volume II Julie Clarke, Allan Fels, Brent Fisse, Deborah Healey, Mel Marquis, John Middleton, Rhonda Smith, 2025-07-29 Marking the 50th anniversary of modern statutory competition law in Australia this two volume set brings together more than 40 leading experts to discuss the most important issues and developments arising under Australian competition law economics and policy This publication discusses current reforms and reviews the impact of competition law and consumer law in the Australian economy over the last 50 years since the enactment of the Trade Practices Act 1974 Contributors examine the legacy of this landmark legislation important precedents and cases that have shaped contemporary Australian competition law as well as the substantive procedural and institutional features in need of revision Volume I focuses on the history and context of Australian competition law the courts and tribunal and the competition system established by the Competition and Consumer Act Volume II discusses key issues relating to consumer protection law the digital economy enforcement remedies and sanctions It also considers the Australian competition regime from a comparative perspective This volume alongside its companion The Competition Law System Context Law and Economics is an authoritative treatise that will interest the broader competition law and policy community around the world Together they provide essential insights for academics researchers practitioners consumer associations policymakers and regulators

Criminalising Cartels Caron Beaton-Wells, Ariel Ezrachi, 2011-02-10 This book is inspired by the international movement towards the criminalisation of cartel conduct over the last decade Led by US enforcers criminalisation has been supported by a growing number of regulators and governments It derives its support from the simple yet forceful proposition that criminal sanctions particularly jail time are the most effective deterrent to such activity However criminalisation is much more complex than that basic proposition suggests There is complexity both in terms of the various forces that are driving and shaping the movement economic political and social and in the effects on the various actors involved in it government enforcement agencies the business community judiciary legal profession and general public Featuring contributions from authors who have been at the

forefront of the debate around the world this substantial 19 chapter volume captures the richness of the criminalisation phenomenon and considers its implications for building an effective criminal cartel regime particularly outside of the US It adopts a range of approaches including general theoretical perspectives from criminal theory economics political science regulation and criminology and case studies of the experience with the design and enforcement of existing or contemplated criminal cartel regimes in various jurisdictions including in Australia Canada EU Germany Ireland and the UK The book also explores the international dimensions of criminalisation its specific practical consequences such as increased potential for extradition as well as its more general implications for trends of harmonisation or convergence in competition law and enforcement

Regulating Competition Susanna Fellman, Martin Shanahan, 2015-12-22 Cartels trusts and agreements to reduce competition between firms have existed for centuries but became particularly prevalent toward the end of the 19th century In the mid 20th century governments began to use so called cartel registers to monitor and regulate their behaviour This book provides cases studies from more than a dozen countries to examine the emergence application and eventual decline of this form of regulation Beginning with a comparison of the attitudes to regulation that led to monitoring rather than prohibiting cartels this book examines the international studies on cartels undertaken by the League of Nations before World War II This is followed by a series of studies on the context of the registers including the international context of the European Union and the importance of lobby groups in shaping regulatory outcomes using Finland as an example Section two provides a broad international comparison of several countries registers with individual studies on Norway Australia Japan Germany Sweden and the Netherlands After examining the impact of registration on business behaviour in the insurance industry this book concludes with an overview of the lessons to be learnt from 20th century efforts to regulate competition With a foreword by Harm Schroter this book outlines the rise and fall of a system that allowed nations to tailor their approach to regulating competition to their individual circumstances whilst also responding to the pressures of globalisation that emerged after the Second World War This book is suitable for those who are interested in and study economic history international economics and business history Chapter 10 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license

The Political Economy of Competition Law in Asia Mark Williams, 2013-01-01 This is a very timely book which provides an unprecedented analysis of the factors which have shaped the competition law systems of ten Asian countries and Australia The comprehensive discussion from varying viewpoints against the backdrop of the significantly different environments within which the respective regimes have developed creates a framework for the comparative assessment of competition law systems elsewhere in the world Lutz Christian Wolff The Chinese University of Hong Kong New competition laws have been adopted throughout Asia in recent years and some of the older laws have been significantly strengthened This makes Asia a fascinating region in which to look at the political and economic circumstances

of the countries in which such laws are to be found and to consider the very different conditions that exist within them This book will be an invaluable guide to anyone with an interest in the developing competition law regimes of this immensely important part of the world Richard Whish King's College London UK This detailed book describes and analyses the essential political economy features that provide the backdrop to the competition policies and competition law regimes of several of the most important Asian economies The book also discusses the impact of these political economy influences in determining whether the adopted competition policy is effective Each of the authors experts in their respective countries offer specific insights into the nature and structure of their competition regimes and discuss to what extent the varied political economy factors unique to that country help to determine whether and to what extent the established system promotes or hinders economic competition in that jurisdiction Comprising wide coverage of Asian jurisdictions including Australia this book will strongly appeal to students and academics of law politics economics and economic development policy makers in national governments international agencies and competition authorities as well as practicing competition lawyers and in house counsel

Research Handbook on Methods and Models of Competition Law Deborah Healey, Michael Jacobs, Rhonda L. Smith, 2020-11-27 This comprehensive Handbook illuminates the objectives and economics behind competition law It takes a global comparative approach to explore competition law and policy in a range of jurisdictions with differing political economies legal systems and stages of development A set of expert international contributors examine the operation and enforcement of competition law around the world in order to globalize discussions surrounding the foundational issues of this topic In doing so they not only reveal the range of approaches to competition law but also identify certain basic economic concepts and types of anticompetitive conduct that are at the core of competition law

Corporate Criminality and Liability for Fraud Alison Cronin, 2018-03-14 Through a rational reconstruction of orthodox legal principles and reference to cutting edge neuro science this book reveals some startling truths about the criminal law its history and the fundamental doctrines that underpin the attribution of criminal fault While this has important implications for the criminal law generally the focus of this work is the development of a theory of corporate criminality that accords with modern theory of group agency itself informed by advancements in contemporary philosophy and social science The innovation it proposes is the theoretical and practical means by which criminal fault can be attributed directly to the corporate actor where liability cannot or should not be reduced to its individual members

Australian Business Law 2012 Paul Latimer, 2012

Competition Law and Economics in Australia, Volume I Julie Clarke, Allan Fels, Brent Fisse, Deborah Healey, Mel Marquis, John Middleton, Rhonda Smith, 2025-02-27 Marking the 50 year anniversary of modern statutory competition law in Australia this two volume set brings together more than 40 leading experts to discuss the most important issues and developments arising under Australian competition law economics and policy This publication discusses current reforms and reviews the impact of competition law and policy in the Australian economy over the last 50 years since the enactment of the Trade Practices Act

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Legal Regulation of Corporate Social Responsibility Mia Mahmudur Rahim, 2013-11-27 Even though Corporate Social Responsibility CSR has become a widely accepted concept promoted by different stakeholders business corporations internal strategies known as corporate self regulation in most of the weak economies respond poorly to this responsibility Major laws relating to corporate regulation and responsibilities of these economies do not possess adequate ongoing influence to insist on corporate self regulation to create a socially responsible corporate culture This book describes how the laws relating to CSR could contribute to the inclusion of CSR principles at the core of the corporate self regulation of these economies in general without being intrusive in normal business practice It formulates a meta regulation approach to law particularly by converging patterns of private ordering and state control in contemporary corporate law from the perspective of a weak economy It proposes that this approach is suitable for alleviating regulators limited access to information and expertise inherent limitations of prescriptive rules ensuring corporate commitment and enhance the self regulatory capacity of companies This book describes various meta regulation strategies for laws to link social values to economic incentives and disincentives and to indirectly influence companies to incorporate CSR principles at the core of their self regulation strategies It investigates this phenomenon using Bangladesh as a case study

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