



University of  
South Australia

School of  
Law



ACCC

AUSTRALIAN COMPETITION  
& CONSUMER COMMISSION

# 17TH ANNUAL COMPETITION LAW AND ECONOMICS WORKSHOP

*Competition law: The penicillin of public policy?*

**18-19 OCTOBER 2019**

Stamford Grand Glenelg, Adelaide  
South Australia, Australia

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# INVITATION

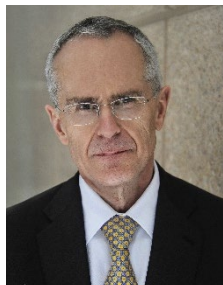
On behalf of the School of Law at the University of South Australia and the Australian Competition and Consumer Commission we would like to extend an invitation to you to participate in the 17th Annual Competition Law and Economics Workshop, to be held at the Stamford Grand, Glenelg, Adelaide from Friday 18 to Saturday 19 October this year.

The Workshop acts as a forum for discussion and networking. This year's Workshop will explore the evolving role of the Competition and Consumer Act (Cth) including in addressing broader policy concerns around data and privacy. Reflecting calls globally for regulators to do more, international and domestic experts will explore the role of competition and consumer law in identifying and addressing emerging issues, including through market studies and inquiries, and whether there are limits to the public policy challenges that it can solve.

We look forward to seeing you in Adelaide in October.



**Professor Rick Sarre**  
Dean and Head of School: Law  
University of South Australia



**Rod Sims**  
Chair  
Australian Competition and  
Consumer Commission

The 17th Annual Competition Law and Economics Workshop is supported by:



# SPEAKERS AND PANELLISTS

Title	Name	Position	Organisation
Professor	Michelle Baddeley	Director, Institute for Choice	University of South Australia
Professor	Caron Beaton-Wells	Competition Law & Economics Network and Co-Director of Studies, Global Competition & Consumer Law	The University of Melbourne
	Morag Bond	Joint General Manager, Digital Platforms Branch	Australian Competition and Consumer Commission
	Geoff Carter	Partner	MinterEllison
	Gina Cass-Gottlieb	Partner	Gilbert + Tobin
	Sarah Court	Commissioner	Australian Competition and Consumer Commission
	Tanya Dunne	Deputy General Counsel	Australian Competition & Consumer Commission
	Scott Farrell	Partner	King & Wood Mallesons
	Roger Featherston	Commissioner (2014- 2019)	Australian Competition and Consumer Commission
The Hon.	Raymond Finkelstein AO QC	Judge of the Federal Court of Australia (1997-2011) and President Australian Competition Tribunal (1998-2011)	
	Mia Garlick	Director of Policy	Facebook Australia & New Zealand
	Scott Gregson	Executive General Manager, Merger & Authorisation Review Division	Australian Competition and Consumer Commission
	Justine Halloran	Managing Legal Counsel	BP Australasia
	Peter Harris	Chairman (2012-2019)	Australian Productivity Commission
	Sharon Henrick	Partner	King & Wood Mallesons
	Jamie Leach	CEO	Open Data Institute (Australia)
The Hon. Justice	John Middleton	Judge and President	Federal Court of Australia and Australian Competition Tribunal
	Carmel Mulhern	Group General Counsel and Group Executive, Legal & Corporate Affairs	Telstra

# SPEAKERS AND PANELLISTS

Title	Name	Position	Organisation
Dr	Rob Nicholls	Senior Lecturer, School of Taxation and Business Law & Director: UNSW Business School Cybersecurity and Data Governance Research Network	University of New South Wales
	Robert O'Donoghue QC	Barrister	Brick Court Chambers
	Emma Penzo	Policy Director	Australian Banking Association
	Wendy Peter	General Counsel	Australian Competition & Consumer Commission
	Stephen Ridgeway	Commissioner	Australian Competition & Consumer Commission
Professor	Rick Sarre	Dean and Head of Law School	University of South Australia
	Lisa Schutz	Managing Director	Verifier
	Rod Sims	Chair	Australian Competition and Consumer Commission
Professor	Maurice Stucke	Professor of Law	University of Tennessee College of Law
	Nerilee Telford	Group Counsel	Woolworths
Professor	Roman Tomasic	Professor of Law	University of South Australia School of Law
Professor	Vicki Waye	Professor of Law	University of South Australia School of Law
Professor	Eileen Webb	Professor of Law	University of South Australia School of Law
Dr	Graeme Woodbridge	Chief Economist	Australian Competition & Consumer Commission
Professor	Christopher Yoo	Professor of Law	University of Pennsylvania Law School

# PROGRAM OF EVENTS

*Competition law: The penicillin of public policy?*

## Friday 18 October

9:00 – 9:30am **Registration**

9.30 – 9.40am **Introduction: The 17<sup>th</sup> Annual Competition Law and Economics Workshop**  
Sarah Court, Commissioner, Australian Competition and Consumer Commission  
Professor Rick Sarre, Dean and Head of Law School, University of South Australia

9.40 - 10.00am **Workshop opening**  
*The role of the competition regulator*  
Rod Sims, Chair, Australian Competition and Consumer Commission

10.00 - 10.30am **Keynote address**  
*Policy responses to address the risks of data-opolies*  
Professor Maurice Stucke, University of Tennessee College of Law  
Introduced by: Professor Eileen Webb, University of South Australia School of Law

10.30 - 11.00am **Keynote address**  
*Europe's recent forays into digital platforms; possible lessons for Australia*  
Robert O'Donoghue QC, Brick Court Chambers  
Introduced by: Tanya Dunne, Deputy General Counsel, Australian Competition & Consumer Commission

11.00 - 11.30am **Morning tea**

11.30 - 12.00pm **Keynote address**  
*Big data and competition law: lessons from innovation markets*  
Professor Christopher Yoo, University of Pennsylvania Law School  
Introduced by: Professor Roman Tomasic, University of South Australia School of Law

12.00 - 1.00pm **Panel session 1:**  
*The ACCC and the CCA: the penicillin of public policy?*  
Panellists:  
Peter Harris, Chairman (2012-2019), Australian Productivity Commission  
Gina Cass-Gottlieb, Partner, Gilbert + Tobin  
Carmel Mulhern, Group General Counsel and Group Executive, Legal & Corporate Affairs, Telstra  
Facilitated by Scott Gregson, Executive General Manager, Merger & Authorisation Review Division, Australian Competition and Consumer Commission

1.00 - 2.00pm **Lunch**

# PROGRAM OF EVENTS

*Competition law: The penicillin of public policy?*

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2.00 - 3.15pm

**Panel session 2:**  
***Consumer data as a competition issue***

Panellists:

Professor Maurice Stucke, University of Tennessee College of Law

Professor Michelle Baddeley, Director – Institute for Choice, University of South Australia

Morag Bond, Joint General Manager, Digital Platforms Branch, Australian Competition and Consumer Commission

Mia Garlick, Director of Policy, Facebook Australia & New Zealand

Professor Caron Beaton-Wells, Director, Competition Law & Economics Network and Co-Director of Studies, Global Competition & Consumer Law, The University of Melbourne

Facilitated by Dr Rob Nicholls, Senior Lecturer, School of Taxation and Business Law & Director: UNSW Business School Cybersecurity & Data Governance Research Network, UNSW

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3.15 - 3.45pm

**Afternoon tea**

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3.45 - 5.00pm

**Panel session 3:**  
***Is data portability the answer?***

Panellists:

Emma Penzo, Policy Director, Australian Banking Association

Lisa Schutz, Managing Director, Verifier

Jamie Leach, CEO of Open Data Institute (Australia)

Professor Christopher Yoo, University of Pennsylvania Law School

Scott Farrell, Partner, King & Wood Mallesons (panellist and facilitator)

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5.00 - 6.00pm

**Break**

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6.00 –10.30pm

**Dinner at the Glenelg Pier Hotel, 18 Holdfast Promenade, Glenelg**

After dinner speaker

***Reflections on a career in competition law: from private practitioner to Commissioner***

Roger Featherston, Commissioner (2014 – 2019), Australian Competition and Consumer Commission

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*Competition law: The penicillin of public policy?*

## Saturday 19 October

9.00 - 10.15am

### Panel session 4:

#### *Is it time to strengthen the merger laws?*

Panellists:

Robert O'Donoghue QC, Brick Court Chambers

Sharon Henrick, Partner, King & Wood Mallesons

Stephen Ridgeway, Commissioner, Australian Competition & Consumer Commission  
(panellist and facilitator)

The Hon. Raymond Finkelstein AO QC, Judge of the Federal Court of Australia (1997-2011)  
and President Australian Competition Tribunal (1998-2011)

Introductory remarks by Graeme Woodbridge, Chief Economist, Australian Competition & Consumer Commission

10.15 – 11.00am

### Keynote address

#### *Assessing the future: The challenge of competition cases*

The Honourable Justice John Middleton, Federal Court of Australia and President,  
Australian Competition Tribunal

Facilitated by Wendy Peter, General Counsel, Australian Competition & Consumer  
Commission

11.00 - 11.30am

### Morning Tea

11.30 – 12.45pm

### Panel session 5:

#### *Business Perspectives: Interacting with the ACCC in a changing environment*

Panellists:

Justine Halloran, Managing Legal Counsel, BP Australasia

Nerilee Telford, Group Counsel, Woolworths

Geoff Carter, Partner, Minter Ellison

Facilitated by Sarah Court, Commissioner, Australian Competition & Consumer Commission

12.45 - 1.00pm

### Closing remarks

Sarah Court, Commissioner, Australian Competition and Consumer Commission

Professor Vicki Waye, University of South Australia School of Law

1.00 - 2.00pm

### Lunch