

# DYNAMIC COMPETITION IN DYNAMIC MARKETS: *A PATH FORWARD*

Melbourne Law School

**April 30, 2019**



**PROGRAM + SPEAKERS' BIOS**

Sponsored by:



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- 8:30am - 9:00am **REGISTRATION & COFFEE**
- 9:00am - 9:10am **WELCOME / INTRODUCTORY REMARKS**  
**Caron BEATON-WELLS**, Professor of Law, Melbourne Law School
- 9:10am - 9:40am **OPENING KEYNOTE SPEECH**  
**Philip MARSDEN**, Professor of Law and Economics at the College of Europe; Deputy Chair of Enforcement Decision Making Committee, Bank of England
- 9:45am - 11:00am **DIGITAL INNOVATION AND COMPETITION POLICY: A SYNERGIC APPROACH**  
**Allan FELS AO**, Professorial Fellow, Melbourne Law School  
**Geoffrey MANNE**, President and Founder, International Center for Law and Economics  
**Beth WEBSTER**, Director, Centre for Transformative Innovation, Swinburne University of Technology  
**Moderator: Luke WOODWARD**, Partner, Gilbert + Tobin Lawyers
- 11:00am - 11:15am **MORNING TEA**
- 11:15am - 12:30pm **BIG DATA: UNDERSTANDING AND ANALYZING ITS COMPETITIVE EFFECTS**  
**Katharine KEMP**, Lecturer, Law School, UNSW  
**Peter LEONARD**, Professor of Practice, UNSW Business School; Principal, Data Synergies  
**D. Daniel SOKOL**, University of Florida Research Foundation, Levin College of Law  
**Graeme WOODBRIDGE**, Chief Economist, ACCC  
**Moderator: Caron BEATON-WELLS**, Professor of Law, Melbourne Law School
- 12:30pm - 1:15pm **LUNCH**
- 1:30pm - 2:00pm **A FIRESIDE CHAT WITH...**  
**Rod SIMS**, Chairman, ACCC  
**Howard SHELANSKI**, Professor of Law, Georgetown Law School; Partner, Davis Polk
- 2:00pm - 3:15pm **DESIGNING ANTITRUST REGULATORY MODELS IN A GLOBALIZED SILICON VALLEY CULTURE**  
**Christopher BERG**, Senior Research Fellow, RMIT Blockchain Innovation Hub  
**Morag BOND**, Joint-General Manager, Digital Platform Service Inquiry, ACCC  
**Stephen KING**, Commissioner, Productivity Commission  
**Howard SHELANSKI**, Professor of Law, Georgetown Law School; Partner, Davis Polk  
**Moderator: George SIOLIS**, Partner, RBB Economics
- 3:15pm - 3:30pm **WRAP-UP & CLOSING REMARKS**  
**Caron BEATON-WELLS**, Professor of Law, Melbourne Law School  
**Philip MARSDEN**, Professor of Law and Economics at the College of Europe; Deputy Chair of Enforcement Decision Making Committee, Bank of England



## Caron BEATON-WELLS



Caron Beaton-Wells is a Professor in Competition Law at the University of Melbourne Law School. She is Director of the University's Competition Law & Economics Network and co-Director of the Global Competition and Consumer Law Program. Her research

spans a wide range of areas in competition policy, law, economics and enforcement with a recent focus on competition issues in a digital economy. She is extensively published by leading international publishing houses, and has authored or co-authored six books and over 50 chapters or journal articles in this field.

Caron teaches subjects relating to competition law and economics primarily at postgraduate level. She has been a member of the Melbourne Law Schools' executive body, as Associate Dean (Melbourne Law Masters) and Associate Dean (Undergraduate), and has been appointed to national and international editorial and advisory boards, including boards of the Academic Society for Competition Law, the Loyola Chicago Consumer Antitrust Institute and the Asian Competition Forum.

Caron is regularly invited to speak at major conferences organised by international and regional bodies and has consulted to the Organisation for Economic Cooperation & Development, Association of South-East Asian Nations, and the New Zealand Government. She is a non-governmental advisor to the International Competition Network and a representative on United Nations' Conference on Trade & Development Research Partnership Platform. She is also a member of the Law Council of Australia's competition and consumer and small business committees.

Caron was formerly a solicitor at (now) King & Wood Mallesons and a barrister at the Victorian Bar (2007-2016). She holds a Bachelor of Laws, Master of Laws and Doctor of Philosophy from the University of Melbourne. Morag is currently General Manager of the ACCC's inquiry into digital platforms (job-sharing this role with Kate Reader). This inquiry looks at the impact of social media platforms, search engines and other digital content aggregators on the media and advertising markets.

## Christopher BERG



Chris Berg is an economist and historian of technological change and institutional choice. He is a Senior Research Fellow at the RMIT Blockchain Innovation Hub, a Founding Board Member of the Worldwide Blockchain Innovation Association, a Senior Fellow with the Institute of Public Affairs,

and an Academic Fellow with the Australian Taxpayers' Alliance. Dr Berg is the author of nine books, including the forthcoming *How to Understand the Blockchain Economy: an introduction*

to institutional cryptoeconomics (2019) and *Cryptodemocracy* (2019). He holds a PhD in economics from RMIT University, and a bachelor's degree in history and political science from the University of Melbourne.

## Morag BOND



Morag was previously Deputy General Manager of the Mergers and Adjudication Branch and prior to that was a Director of Merger Investigations for six years. During this time, Morag led the review of a large number of merger investigations across a wide range of industries.

Prior to joining the ACCC, Morag was a Senior Associate in the competition law teams of leading law firms in Australia, London and Brussels. She also worked as a competition lawyer in New Zealand. Morag has Bachelor degrees in Law and Commerce from the University of Canterbury, New Zealand and a Masters in Law with first class honours from the University of Cambridge, England.

## Allan FELS AO



Professor Allan Fels AO is currently a professorial fellow in the University of Melbourne, both in the Melbourne Law School and in the Faculty of Economics and Business, an adjunct professor at Monash University in the Faculty of Business and Economics, and visiting professor at the Division of Social Sciences in the University of Oxford.

Professor Fels is former Chairman of the Australian Competition and Consumer Commission (1995-2003) and its predecessor bodies.

Professor Fels is former Dean of the Australia and New Zealand School of Government (ANZSOG).

Professor Fels was Chair of the National Mental Health Commission of Australia from 2012-2018. He is now Commissioner on the Victorian Royal Commission into Mental Health.

He is Electricity Price Commissioner, and the Emergency Services Levy Insurance Monitor, both for the Government of New South Wales.

He is a Director of the Chinese Competition Research Centre at the University of the Chinese Academy of Science (CAS) as well as an international adviser to the Chinese Academy of Social Sciences (CASS). He is a member of the Global Public Advisory Board of Uber.

He is Chair of the Visy Australasia Governance Board (Australia's largest private business).

# Speakers' Bios

## Katharine KEMP



Katharine Kemp is a Lecturer at the UNSW Sydney Faculty of Law and the Co-Leader of the "Data as a Source of Market Power" research stream for The Allens Hub for Technology, Law & Innovation, with Dr Rob Nicholls of the UNSW Business School. She is also the convenor of the postgraduate course, 'Financial Law and Regulation

in the Age of Fintech', and the Contracts course at UNSW Law. Her research focuses on competition law (particularly misuse of market power), consumer protection and data privacy. She has published widely in these fields, including "Misuse of Market Power: Rationale and Reform" (Cambridge University Press, 2018), "Competition Law of South Africa" (LexisNexis) with PJ Sutherland, and numerous peer-reviewed journal articles.

Before joining the faculty, Kemp was a Research Fellow on the UNSW Digital Financial Services Research Team, conducting in-depth research into the regulation of digital financial services in developing countries in particular, including through fieldwork in these countries. Katharine has also practised as a commercial lawyer in major law firms, as a barrister in Melbourne, and consulted to the Competition Commission of South Africa during the six years she lived and worked in the country. She completed her PhD on the topic of Misuse of Market Power, for which she received the UNSW PhD Excellence Award.

## Stephen KING



Dr Stephen P King joined the Productivity Commission as a Commissioner from 1 July 2016. He was recently a Professor of Economics at Monash University in Melbourne where he also held the position of Dean of the Faculty of Business and Economics from 2009-2011.

Prior to joining Monash, Stephen was a Member of the Australian Competition and Consumer Commission (ACCC), where he chaired the Mergers Review Committee. Previous roles include, Professor of Economics at the University of Melbourne and a Professor of Management (Economics) at the Melbourne Business School. His main areas of expertise are in microeconomic theory, competition economics, regulation and industrial organization. His research has been published widely, including articles in major international economics journals.

## Peter LEONARD



Peter Leonard is a data, content and technology business consultant and lawyer advising data-driven business and government agencies. Peter is principal of Data Synergies and a Professor of Practice at UNSW Business School (Information Systems and

Business and Taxation Law). Peter chairs the IoTAA's Data Access, Use and Privacy work stream, the Law Society of New South Wales' Privacy and Data Committee and the Australian Computer Society's Artificial Intelligence and Ethics Technical Committee. He serves on a number of corporate and advisory boards, including of the NSW Data Analytics Centre. Peter was a founding partner of Gilbert + Tobin, now a large Australian law firm. Following his retirement as a partner in 2017 he continues to assist Gilbert + Tobin as a consultant.

## Geoffrey MANNE



Geoffrey A. Manne is the president and founder of the International Center for Law and Economics (ICLE), a nonprofit, nonpartisan research center based in Portland, Oregon. He is also a distinguished fellow at Northwestern Law School's Searle Center on Law, Regulation, & Economic Growth. In April 2017 he was appointed by FCC Chairman Ajit Pai to the FCC's Broadband Deployment Advisory Committee, and he recently served for two years on the FCC's Consumer Advisory Committee.

Mr. Manne earned his JD and AB degrees from the University of Chicago and is an expert in the economic analysis of law, specializing in competition, telecommunications, consumer protection, intellectual property, and technology policy.

Prior to founding ICLE, Manne was a law professor at Lewis & Clark Law School. From 2006-2009, he took a leave from teaching to develop Microsoft's law and economics academic outreach program. Manne has also served as a lecturer in law at the University of Chicago Law School and the University of Virginia School of Law. He practiced antitrust law and appellate litigation at Latham & Watkins, clerked for Hon. Morris S. Arnold on the 8th Circuit Court of Appeals, and worked as a research assistant for Judge Richard Posner. He was also once (very briefly) employed by the FTC.

## Philip MARSDEN



Dr Philip Marsden is Deputy Chair of the Bank of England's Enforcement Decision Making Committee, and a case decision maker at the Financial Conduct Authority, the Payment Systems Regulator and OFGEM. In September 2018, the Chancellor appointed Philip to the Treasury's Digital Competition Experts Panel. In November 2018, Philip also affiliated with Charles River Associates International as a Senior Advisor on policy and strategy issues.

For ten years until October 2018, Philip held various roles at the UK competition authority, first as member of the Board of the Office of Fair Trading, then as Inquiry Chair and Senior Director,



Case Decision Groups, at the Competition and Markets Authority, where he decided on Phase II mergers, market investigations and antitrust cases, post-Statement of Objections.

Philip is also Professor of Law and Economics at the College of Europe, Bruges, teaching the core LL.M. competition course and is co-founder and General Editor of the European Competition Journal, and the Oxford Competition Law case reporter series. A prosecutor early on in his career, for the last 30 years Philip has also acted as independent counsel, specialising in advice to firms and governments. In private practice he worked at major law firms in Toronto, Tokyo and London. Philip earned his doctorate in law from the University of Oxford.

## Howard SHELANSKI



Howard Shelanski is a Professor of Law at Georgetown University and a partner in the law firm of Davis, Polk & Wardwell. From July 2013 through January 2017 he served as Administrator of the White House office of Information of Regulatory Affairs, a position to which President Obama nominated him in April 2013 and the United States Senate confirmed him in June 2013. Mr. Shelanski's previous government positions include serving as Director of the Bureau of Economics at the Federal Trade Commission, as Chief Economist of the Federal Communications Commission, and as a Senior Economist to the President's Council of Economic Advisers. From 1997 through 2009 he taught at the University of California at Berkeley, where he was co-Director of the Berkeley Center for Law and Technology. Before beginning his academic and government career Mr. Shelanski was a law clerk to Justice Antonin Scalia of the United States Supreme Court, Judge Louis H. Pollak of the US District Court in Philadelphia, and Judge Stephen F. Williams of the United States Court of Appeals in Washington D.C. Mr. Shelanski earned his PhD in economics and his JD from the University of California at Berkeley, and his BA from Haverford College.

## Rod SIMS



Rod is an Australian economist and current Chairman of the Australian Competition and Consumer Commission. Rod holds a first class honours degree in Commerce from the University of Melbourne and a Master of Economics from the Australian National University. Immediately

prior to his appointment to the ACCC, he was the Chairman of the Independent Pricing and Regulatory Tribunal of New South Wales, Commissioner on the National Competition Council, Chairman of InfraCo Asia, Director of Ingeus Limited, and member of the Research and Policy Council of the Committee for Economic Development of Australia.

Rod is also a past Chairman of the NSW Rail Infrastructure Corporation and the State Rail Authority and has been a Director of a number of private sector companies. During the late 1980s and early 1990s, Rod worked as the Deputy Secretary in the Commonwealth Department of Prime Minister and Cabinet responsible for economic, infrastructure and social policy and the Cabinet Office. He also worked as Deputy Secretary in the Department of Transport and Communications. He was also the Economic Adviser to Australia's Prime Minister from 1988 – 90.

## George SIOLIS



George has been with RBB Economics since 2009 and advises clients on a number of contentious mergers before the ACCC as well as a variety of behavioural matters involving cartel conduct, anti-competitive agreements and the alleged misuse of market power. George has acted as

an expert witness in the Australian Competition Tribunal in applications for merger authorisation and in arbitrations involving disputes about access prices and has advised competition authorities in Australia and New Zealand on a range of market investigations. He is a member of the Consumer and Competition Committee of the Business Law Section of the Australian Law Council and is listed in Who's Who Legal of Competition Lawyers and Economists.

## D. Daniel SOKOL



D. Daniel Sokol is the University of Florida Research Foundation Professor of Law and Term Professor of Law at the University of Florida Levin College of Law and Senior Of Counsel at Wilson Sonsini Goodrich & Rosati.

Sokol writes across several different topics in antitrust. The Global Competition Review named Sokol its Antitrust Academic of the Year in 2014 at its awards ceremony. Sokol is among the top 10 most cited antitrust law professors in the past five years. Sokol is also a non-governmental advisor to the International Competition Network and academic advisor to the US Chamber of Commerce for Antitrust.

## Beth WEBSTER



Professor Beth Webster is Director of the Centre for Transformative Innovation at Swinburne University of Technology. She is also Pro Vice-Chancellor for Research Impact and Policy. Her expertise centres on the economics of the way knowledge is created and diffused through the economy. She has a PhD in economics from the University of

# Speakers' Bios

Cambridge and an MEd and BEc (hons) from Monash University. She is a fellow of the Academy of Social Sciences Australia.

Professor Webster is responsible for providing advice and leadership on policies relating to the economic and social impact of research, public industry and innovation policies. She is also responsible for measuring university research engagement and impact.

## Graeme WOODBRIDGE

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Dr Graeme Woodbridge was appointed as the first Chief Economist of the Australian Competition and Consumer Commission in December 2015. His role is to provide economic advice to the Commission on a broad range of competition and policy matters.

Prior to being appointed Chief Economist, Graeme was a Specialist Economic Advisor with the ACCC, a position that he held for eight years.

Graeme has undertaken economic analysis and provided economic advice to the Commission on a wide range of competition matters including merger and adjudication matters and enforcement investigations.

Graeme holds a Doctor of Philosophy (Economics) from the University of California, Los Angeles.

## Luke WOODWARD

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Luke heads Gilbert + Tobin's Competition + Regulation practice. In a career spanning 30 years, Luke has consistently been at the forefront of the profession: as a lead prosecution lawyer; as head of mergers, head of enforcement and General Counsel at the ACCC; and 18 years as a partner at Gilbert + Tobin. He

has an outstanding track record in gaining clearances in complex merger and joint venture cases, while also successfully conducting many high-profile merger, market power and collusion cases.

Most recently, Luke was recognised as the leading thought leader in the Asia-Pacific region for Competition (International Who's Who of Competition Lawyers, 2018).



## About the Organizers



CPI is a leading platform that promotes antitrust debates via publications and live events worldwide. Every day CPI reaches out more than 30,000 readers in over 150 countries. Its readership encompasses enforcers, judges, lawyers, economists, in-house counsels, academics, and students in the US and around the world.

CPI releases daily newsletters, bi-monthly Antitrust Chronicles, annual special edition Chronicles, and publishes antitrust books. CPI also organizes roundtables and conferences globally.



The Competition Law and Economics Network is a network of people engaged in research, teaching and other activities in areas related to competition law and economics at the University of Melbourne. The Network has been established by the Melbourne Law School, but has members and encompasses activities from other University of Melbourne faculties - particularly the Faculty of Business & Economics and the Melbourne Business School. The Network thus reflects the interdisciplinary nature of this field of regulation.

## About the Sponsors



The Digital Industry Group Inc. (DIGI) is a non-profit industry organisation that advocates for the interests of the digital industry in Australia. DIGI believes in a balanced approach to regulating the online world that harnesses the tremendous social and economic opportunities digital services bring to Australia and globally, while also ensuring these services are used in a positive and beneficial way. DIGI's members include Google, Facebook, Twitter, Amazon and Verizon Media.



Gilbert + Tobin is a leading corporate law firm and a key player in the Australian legal market. The firm provides innovative, relevant and commercial legal solutions to major corporate and government clients across Australia and internationally. With a focus on dynamic and evolving market sectors, they work on transactions and cases that define and direct the market.

Gilbert + Tobin's Competition + Regulation group is the pre-eminent competition practice in Australia, having established a "game changer" reputation by their ability to achieve successful outcomes for clients, often where others have not. They repeatedly win complex and cutting edge work due to their track record of achieving results on high-stakes transactions and litigation.

With 8 partners, 3 special counsel and more than 40 lawyers, Gilbert + Tobin's market-leading competition practice is the largest in Australia. Their multidisciplinary approach integrates sound economic skills, legal analysis and specialist industry knowledge. They deliver commercially focused legal solutions and have a proven track record of achieving strong commercial results for clients.



Founded in 2004, Facebook's mission is to give people the power to build community and bring the world closer together. People use Facebook to stay connected with friends and family, to discover what's going on in the world, and to share and express what matters to them.



RBB is a world leading consultancy in the economics of competition law. We have over 130 professional staff based in 9 offices globally in Europe, South Africa & Australia. Our team is multinational and multilingual; it includes economists and econometricians who have experience in 112 jurisdictions worldwide.

We have completed competition assignments in cases covering virtually all industries and all types of competition issues including mergers, dominance inquiries, assessment of agreements (horizontal and vertical), information exchanges, market investigations and private actions/litigation.

We have a strong track record of case success and an unparalleled reputation for high-quality advice and submissions.

