

LAWS50063 Competition Law

Credit Points:	12.50
Level:	5 (Graduate/Postgraduate)
Dates & Locations:	2011, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Seminars.
Time Commitment:	Contact Hours: 48 hours. Total Time Commitment: 144 hours.
Prerequisites:	LAWS50023 Legal Method and Reasoning; LAWS50024 Principles of Public Law; LAWS50025 Torts; LAWS50026 Obligations; LAWS50027 Dispute Resolution; LAWS50029 Contracts.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: http://www.services.unimelb.edu.au/disability/ .
Coordinator:	Assoc Prof Caron Beaton-Wells
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
Subject Overview:	<p>Competition Law is about the legal regulation of markets as a means of preserving and promoting competition in Australia. As a critical component of micro-economic policy, this field of law is underpinned by economic theory and driven by primarily economic goals. The subject focuses on the way in which anti-competitive practices are regulated under Part IV of the <i>Trade Practices Act 1974</i> (Cth): in particular, the regulation of (a) mergers and acquisitions; (b) misuse of market power; (c) horizontal restraints (cartels); and (d) vertical restraints such as exclusive dealing and resale price maintenance.</p> <p>Necessarily, this subject involves substantial economic content. However, no prior knowledge of economics is assumed or required for the purposes of the subject. While it canvasses the policy objectives and challenges of competition regulation, the subject is also applied in its orientation in that it encourages students to explore the practical applications of the law in the context of real-life trade and commerce. To the extent possible, the subject integrates comparative</p>

	<p>experience and insights from major overseas jurisdictions such as the United States and European Community, as well as from the developing field of international competition law.</p> <p>External guests from the profession and the Australian Competition and Consumer Commission will also contribute to class discussion in at least two seminars during the semester.</p>
Objectives:	<p>On completion of this subject, students should be able to:</p> <ul style="list-style-type: none"> # Appreciate the relationship between the disciplines of law and economics in the context of competition law; # Distinguish between common law and statutory regulation of anti-competitive practices; # Articulate the policy objectives in legislating to control anti-competitive practices; # Distinguish between the roles played by regulatory authorities and the courts in enforcing the provisions of the <i>Trade Practices Act</i>; # Critically assess the practical advantages and disadvantages of legal regulation of business practices; # Examine different forms of business behaviour with a view to identifying competition law issues; # Undertake statutory interpretation with greater facility through the experience of construing the provisions of the <i>Trade Practices Act</i>; # Analyse and apply case law with greater facility through the experience of reading and applying competition law cases; # Construct and communicate in writing an argument based on understanding the facts, identifying the issues, analysing the applicable law and applying the law to the facts.
Assessment:	<p>Class participation, including assigned reading and structured exercises (10%);Mid-semester 2,000-word written in-class practical problem-solving exercise (30%);Final 4,000-word take-home exam, involving a combination of mini-essay and problem-style questions (60%).</p>
Prescribed Texts:	<p>Alex Bruce, <i>Restrictive Trade Practices Law</i>, 2010, Lexis Nexis;Printed materials (principally cases) will be available from the Melbourne Law School; <i>Trade Practices Act 1974</i> (available online).</p>
Recommended Texts:	<ul style="list-style-type: none"> # R Miller, <i>Miller's Annotated Trade Practices Act</i> (LBC, 2010 or 2009 edition); OR # R Steinwall, <i>Butterworths Annotated Acts: Trade Practices Act 1974</i> (Butterworths, 2010 or 2009 edition).
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage; # The capacity for close reading and analysis of a range of sources; # The capacity for critical and independent thought and reflection; # The capacity to solve problems, including through the collection and evaluation of information; # The capacity to communicate, both orally and in writing; # The capacity to plan and manage time.