

LAWS70104 Law and Economics of Access Regulation

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2012, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
Prerequisites:	None.
Corequisites:	None.
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None.
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Contact:	For more information, contact the Melbourne Law Masters office. Email law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) or phone +61 3 8344 6190. Alternatively, visit our website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>Every time you make a phone call; turn on your gas or electric heater or stove; purchase commodities transported by rail or ship; or even catch a plane, the chances are a third-party access regime has been used to make competition for that service possible. Since the introduction of access regimes into the <i>Competition and Consumer Act 2010</i> (Cth) (CCA), regulatory and court decisions regarding access to telecommunications, gas, electricity, rail, airports and ports have determined the level of competition, the prices paid by consumers and the returns to investors in these industries.</p> <p>This subject examines in detail the two access regimes set out in the CCA, and how they have been practically applied. It considers the economic rationale for regulating access to utility infrastructure services; how regulators and the courts have determined which services should be subject to regulation and what principles and processes regulators have used to set terms and conditions (including prices) for these services.</p> <p>The lecturers comprise both a lawyer and an economist with over 25 years' combined experience working for competition regulators, the courts, regulated entities and economic</p>

	<p>consulting and legal firms representing both access seekers and access providers on third party access issues.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Underlying economic principles and policy intention behind third party access regimes in Australia # Outline of third party access regimes in Part IIIA and Part XIC of the <i>Competition and Consumer Act 2010</i> (Cth) # Consideration of previous and ongoing examples of the application of access regimes in Australia # Legal and economic meaning of key terms and expressions in access regimes (e.g. promotion of competition; efficient use/operation of infrastructure/facilities; legitimate business interests of access provider etc.) # Assessment of whether current legislation is well designed to achieve the objectives of third party access regimes in Australia.
Objectives:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Understand the policy intentions underpinning third-party access regimes in Australia # Have a clear understanding of the economic theory and principles behind the regulation of third-party access regimes # Be aware of, and understand, the current legislation relevant to third-party access regimes in Part IIIA and XIC of the <i>Competition and Consumer Act 2010</i> (Cth) (the CCA) # Understand the economic and legal meaning of key considerations and legislative criteria associated with access regimes (e.g. promotion of competition, economically efficient use and operation of facilities and infrastructure, and legitimate business interests of an access provider etc.) # Have a firm understanding of the relevant regulatory and case law history associated with the declaration of services, and the setting of prices in relation to declared services associated with third-party access regimes in Australia # Be able to compare and contrast the regimes as they operate under Part IIIA and Part XIC of the CCA # Understand the practice and procedure associated with declaration application considerations, access price undertaking assessments and arbitration determinations # Be able to understand and form views on arguments relating to 'gaming' of third-party access regimes and whether the existing legislation in the TPA is capable of achieving the underlying policy intentions of third-party access regimes.
Assessment:	Class participation (20%) Take-home examination (40%) (12 pm 7 December to 5 pm 10 December) 4,000 word research paper (40%) (14 February 2013) on a topic approved by the subject coordinator
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Links to further information:	http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5255