

LAWS70029 Market Power and Competition Law

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	This subject is not offered in 2014.
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 and critique 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 to 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) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>Market power is a pivotal concept underpinning the competition and access provisions of competition legislation – in Australia, the <i>Competition and Consumer Act 2010</i> (Cth) – as well as corresponding provisions of competition laws worldwide. Prohibitions against misuse of market power (or abuse of dominance in other jurisdictions) involve a complex combination of legal and economic principles, an understanding of which gives considerable insight into many other aspects of the legal framework governing competition. This subject provides a detailed and sophisticated examination of the regulation of market power, using the Australian experience as illustrative with European and American examples used as points of comparison. It is particularly focused upon practical implications for industries in which market power has been an issue (e.g. telecommunications, supermarkets, aviation). The lecturers, a lawyer and an economist, each with considerable practical experience acting for and against the competition regulator, and each with a strong academic track record in the field.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # What is market power and when does it arise? # Legal principles and economic theory # Measurements of market power # The relationship between misuse of market power and the access regime # Recent amendments to predatory pricing provisions and ongoing reform agendas # Strategic behaviour and misuse of market power

	<ul style="list-style-type: none"> # Structural remedies and market design issues # Industry case studies such as telecommunications, supermarkets and aviation.
Learning Outcomes:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Have a sophisticated understanding of the current law under the <i>Competition and Consumer Act 2010</i> (Cth) on misuse of market power # Have an advanced appreciation of the legal and economic theory behind the concepts of market power and abuse of market power # Be able to critically analyse reform proposals in relation to this prohibition and why they have arisen # Be able to apply abuse of market power prohibitions in a commercial context so as to be able to advise clients on how to prevent liability from arising.
Assessment:	Class participation (10%) Take-home examination (45%) (17 – 20 October) 5,000 word research paper (45%) (26 November) on a topic approved by a subject coordinator.
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the 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:	www.law.unimelb.edu.au/subject/LAWS70029/2014