

# LAWS50063 Competition Law

<b>Credit Points:</b>	12.5																				
<b>Level:</b>	5 (Graduate/Postgraduate)																				
<b>Dates &amp; Locations:</b>	2015, Parkville This subject commences in the following study period/s: January, Parkville - Taught on campus. Semester 2, Parkville - Taught on campus.																				
<b>Time Commitment:</b>	Contact Hours: January - 36 hours intensively. Semester 2 - 40 hours. Total Time Commitment: 144 hours.																				
<b>Prerequisites:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50029 Contracts	Semester 2	12.50
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LAWS50027 Dispute Resolution	Semester 1	12.50																			
LAWS50029 Contracts	Semester 2	12.50																			
<b>Corequisites:</b>	None																				
<b>Recommended Background Knowledge:</b>	None																				
<b>Non Allowed Subjects:</b>	None																				
<b>Core Participation Requirements:</b>	<p>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: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>.</p>																				
<b>Coordinator:</b>	Mr Arlen Duke, Prof Mark Williams																				
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475																				
<b>Subject Overview:</b>	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																				

	<p>subject focuses on the way in which anti-competitive practices are regulated under Part IV of the <i>Competition and Consumer Act 2010</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. It also addresses the policies and practices involved in enforcing competition law.</p> <p>The subject not only ensures that students have an advanced understanding of the technical aspects of this legal specialty, but also that they are able to critically analyse the law from both policy and practical perspectives.</p> <p>The subject introduces students to an interdisciplinary approach in the study of law, through the introduction and application of economic concepts and theories in a legal context.</p> <p>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.</p> <p>The subject also integrates comparative 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 contribute to class discussion in at least two seminars during the semester. This ensures that students are given insights into the practical experiences and perspectives of those who work in competition law.</p>
<b>Learning Outcomes:</b>	<p>On successful completion of this subject, students will have:</p> <ul style="list-style-type: none"> <li># An integrated understanding of the following specialised topics: <ul style="list-style-type: none"> <li>- The differences between common law and statutory regulation of anti-competitive practices;</li> <li>- The economic policy objectives in legislating to control anti-competitive practices;</li> <li>- The relevance of economic concepts and theories in regulating competition in the market place and the role of economic evidence in litigating and adjudicating matters under the <i>Competition and Consumer Act 2010</i>;</li> <li>- The issues that arise in defining the conduct that should be subject to legal regulation for competition purposes and in applying the law in specific situations;</li> <li>- The roles played by regulatory authorities and the courts in enforcing the competition provisions of the <i>Competition and Consumer Act 2010</i> and the controversies that arise in connection with enforcement practices and outcomes;</li> </ul> </li> <li># The ability to critically assess the practical advantages and disadvantages of legal regulation of business practices and the impact on business of enforcement policies and practices;</li> <li># A sophisticated insight into the political dimensions of competition regulation and their consequences for the content and enforcement of the law;</li> <li># An advanced ability to undertake statutory interpretation and case analysis through the experience of construing the complex provisions of the <i>Competition and Consumer Act 2010</i> and reviewing the cases in which those provisions have been applied;</li> <li># Through the assessment involving class participation, developed specialised skills in oral communication and, in particular, in the articulation at a sophisticated level of arguments and views concerning the subject material;</li> <li># Through the assessment by examination, demonstrated a clear ability to construct and communicate in writing a sophisticated argument based on understanding the facts, identifying the issues, analysing the applicable law and applying the law to the facts in a way akin to the process undertaken by competition lawyers in practice.</li> </ul>
<b>Assessment:</b>	3 hour supervised exam (100%).
<b>Prescribed Texts:</b>	<p>For students studying this subject in Semester 2, the following prescribed texts are required: Alex Bruce, <i>Australian Competition Law</i> (2nd ed, 2013, LexisNexis); Specialist printed materials will also be made available from the Melbourne Law School; <i>Competition and Consumer Act 2010</i> (available online). For students studying this subject in January, the following prescribed texts are required: John Duns and Arlen Duke, <i>Competition Law: Cases and Materials</i> (3rd ed, 2011, LexisNexis); Specialist printed materials will also be made available from the Melbourne Law School; <i>Competition and Consumer Act 2010</i> (available online).</p>
<b>Recommended Texts:</b>	# R Miller, <i>Miller's Competition and Consumer Act</i> (LBC 2013 edition); OR

	# R Steinwall, <i>Butterworths Annotated Acts: Competition and Consumer Act</i> (Butterworths, 2013 edition).
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject, students should have developed their skills in the following ways:</p> <ul style="list-style-type: none"> <li># Specialist understanding, interpretation, critical reflection, synthesis and comparison of the statutory text governing competition law in Australia;</li> <li># Specialist understanding, interpretation, critical reflection, synthesis and comparison of cases relating to competition law and enforcement in Australia;</li> <li># Analysing, comparing and reflecting critically on policy documents relating to competition law and enforcement in Australia;</li> <li># Critically evaluating proposals for reform of Australian competition law and enforcement having regard, amongst other things, to international comparisons;</li> <li># Formulating and articulating views on difficult technical issues relating to competition law and enforcement in oral discussion in class, in a manner displaying the development of professional judgment;</li> <li># The capacity to grasp a new set of facts, identify the legal/economic problem that arises on the facts, and identify and apply the relevant law in response to the problem, showing the kind of professional expertise and judgment of the kind that would be required in practice as a competition lawyer.</li> </ul>
<b>Notes:</b>	This subject has a quota of 60 students. Details on <b>quota subject selection</b> ( <a href="http://www.law.unimelb.edu.au/jd/current-students/enrolments/quota-subject-selection/">http://www.law.unimelb.edu.au/jd/current-students/enrolments/quota-subject-selection/</a> ) are available on the JD website.