

LAWS70029 Market Power and Competition Law

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: October, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
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/
Coordinator:	Dr Alexandra Merrett
Contact:	For more information: 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:	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 competition law and policy. 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 focuses upon practical implications for industries in which market power has been an issue (eg telecommunications, supermarkets, aviation). The lecturers, a lawyer and an economist, each have considerable

	<p>practical experience acting for and against the competition regulator, as well as a strong academic track records in the field.</p> <p>Principal topics 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 # 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 will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding the current law set out in the <i>Competition and Consumer Act 2010</i> (Cth) on the misuse of market power # Have a sophisticated understanding of the legal and economic theory behind the concepts of market power and abuse of market power # Be able to critically examine, analyse, interpret and assess the effectiveness of the legal rules pertaining to market power # Have an advanced understanding of other means by which market power is managed or regulated in Australia, and an appreciation of how those measures relate to the prohibition against misuse of market power # Be an engaged participant in debate regarding various reform proposals to Australia's system for regulating market power, whether industry-specific or of general application # Have some insight into the regulation of market power in other jurisdictions, enabling an informed assessment of the strengths and weaknesses of the Australian regime # Have the cognitive and technical skills to consider the prohibition against misuse of market power in a commercial context so as to be able to advise clients on compliance and potential liability # Have the cognitive and technical skills to independently examine, research and analyse market power issues # Have the communication skills to clearly articulate and convey complex information regarding market power to relevant specialist and non-specialist audiences # Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of market power.
Assessment:	<p>Class participation (10%) Take-home examination (45%) (4-7 December) 5,000 word research paper (45%) (20 January 2016) on a topic approved by a subject coordinator. A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>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.</p>
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>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS70029/2015</p>
Notes:	<p>This subject has a quota of 30 students. Please refer to the website www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) for further information about the management of subject quotas and waitlists.</p>