

LAWS70347 Merger Regulation Under Competition Law

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: June, 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/
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:	Drawing on Australian, United States and European Union cases and experience, this subject traverses the concepts and practice in assessing the competitive impact of mergers and acquisitions, joint ventures and other transactions. The subject lecturers cover both the theory and practical application of the legal and economic concepts involved. Principal topics include: <ul style="list-style-type: none"> # The analytical framework for merger review – covering concepts such as market definition, entry barriers, countervailing power, and imports and innovation, in the context of counterfactual analysis and potential unilateral and coordinated effects # Economic models used in merger review # The processes and regulatory responses in assessing, predicting and seeking to address potential anti-competitive effects # Advocacy and the roles of stakeholders in a merger review

	<ul style="list-style-type: none"> # Assessing special cases, such as joint ventures, failing firms, strategic and minority stakes, and creeping acquisitions # The assessment of international transactions across several jurisdictions.
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 of Australian competition law as it is applied to mergers and acquisitions, and be able to compare it with the regulation and jurisprudence in the US and elsewhere # Be able to critically examine, analyse, interpret and assess proposed mergers or acquisitions under Australian competition law # Be an engaged participant in debate regarding proposals to consolidate Australian industry, and the appropriate regulatory and policy settings # Have a sophisticated appreciation of how the ACCC may respond to proposed mergers or acquisitions in Australia # Have an advanced understanding of how to compile and present effective submissions as to the likely competitive effects of a proposed merger or acquisition # Have the technical skills to generate critical and creative approaches to assessing the competitive effects and counterfactual possibilities of proposed mergers and acquisitions in Australia, and to evaluate critically arguments and submissions put forward by transaction participants # Have a sound understanding of the economic and business principles relevant to effective evaluation of the likely competitive effect of mergers and acquisitions # Be able to demonstrate judgment as a practitioner in the field of competition law merger regulation in Australia.
Assessment:	Class participation (20%) 8,000 word research paper (80%) (16 September) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.
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/LAWS70347/2015
Notes:	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.