

# LAWS70104 Regulating Infrastructure & Utilities

<b>Credit Points:</b>	12.5						
<b>Level:</b>	7 (Graduate/Postgraduate)						
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: October, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.						
<b>Time Commitment:</b>	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours 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.						
<b>Prerequisites:</b>	<p><b>Melbourne Law Masters Students:</b> None</p> <p><b>JD Students:</b> Successful completion of the below subject:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50063 Competition Law</td> <td>November, Semester 2</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50063 Competition Law	November, Semester 2	12.5
Subject	Study Period Commencement:	Credit Points:					
LAWS50063 Competition Law	November, Semester 2	12.5					
<b>Corequisites:</b>	None						
<b>Recommended Background Knowledge:</b>	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.						
<b>Non Allowed Subjects:</b>	None						
<b>Core Participation Requirements:</b>	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 Student Equity and Disability Support.						
<b>Contact:</b>	<p><b>Lecturers</b></p> <p><b>Mr Richard York</b> (<a href="http://www.law.unimelb.edu.au/staff/Richard%20York">http://www.law.unimelb.edu.au/staff/Richard%20York</a>) (Coordinator)</p> <p><b>Mr Simon Uthmeyer</b> (<a href="http://www.law.unimelb.edu.au/staff/Simon%20Uthmeyer">http://www.law.unimelb.edu.au/staff/Simon%20Uthmeyer</a>)</p> <p>Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> (<a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a>)</p> <p>Phone: +61 3 8344 6190</p> <p>Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> (<a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a>)</p>						
<b>Subject Overview:</b>	This subject provides students with a sophisticated understanding of the economic theory and principles underpinning the regulation of utility infrastructure and services such as telecommunications, gas, electricity, rail, airports and ports. Such regulation often determines						

	<p>the level of competition, the prices paid by consumers and the returns to investors in these industries. The subject examines in detail the access regimes in the Australian <i>Competition and Consumer Act</i> (2010), and how they have been practically applied. Drawing comparisons with the experience in this field in Europe and the Asia-Pacific region, it explores 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. The lecturers in the subject comprise an economist and a lawyer with over 25 years' combined experience working for competition regulators, the courts, regulated entities and economic consulting and legal firms representing both infrastructure access-seekers and access-providers on regulatory issues.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># Underlying economic principles and policy intention behind third party access and utility infrastructure regimes in Australia and other overseas jurisdictions</li> <li># Outline of third party access regimes in Part IIIA and Part XIC of the <i>Competition and Consumer Act</i> (2010)</li> <li># Consideration of previous and ongoing examples of the application of access regimes in Australia and other overseas jurisdictions</li> <li># Legal and economic meaning of key terms and expressions in access regimes (e.g. promotion of competition, efficient use/operation of infrastructure/facilities and legitimate business interests of access provider)</li> <li># Assessment of whether legislative frameworks and administrative and enforcement approaches are well designed to achieve the regulatory objectives of third party access and utility infrastructure regimes</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and sophisticated understanding of the economic theory and principles behind the regulation of third-party access regimes</li> <li># Have a detailed knowledge of the current legislation relevant to third-party access regimes in the <i>Competition and Consumer Act 2010</i> (Cth) (the CCA)</li> <li># Have an advanced understanding of the economic and legal meaning of key considerations and legislative criteria associated with utility regulation and 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.)</li> <li># Have an advanced 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</li> <li># Be able to critically analyse and compare the regimes as they operate under Part IIIA (general access) and Part XIC (telecommunications) of the CCA</li> <li># Be able to apply in a sophisticated way the practice and procedure associated with declaration application considerations, access price undertaking assessments and arbitration determinations</li> <li># Be able to form and argue cogently views on 'gaming' of third-party access regimes.</li> </ul>
<b>Assessment:</b>	<p>Class participation (20%) Take-home examination(5,000-6,000 words as specified in the subject reading guide) (40%) (18 - 21 November) 4,000 word research paper (40%) (11 January 2017) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<b>Prescribed Texts:</b>	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Links to further information:</b>	<p><a href="http://www.law.unimelb.edu.au/subject/LAWS70104/2016">www.law.unimelb.edu.au/subject/LAWS70104/2016</a></p>
<b>Related Course(s):</b>	<p>Graduate Diploma in Communications Law  Graduate Diploma in Competition and Consumer Law  Graduate Diploma in Construction Law  Graduate Diploma in Energy and Resources Law  Graduate Diploma in Legal Studies  Juris Doctor</p>

Master of Commercial Law  
Master of Competition and Consumer Law  
Master of Construction Law  
Master of Energy and Resources Law  
Master of Laws  
Master of Public and International Law