



# LAWS5028

## Competition Law

Session 1, Special circumstances 2021

*Macquarie Law School*

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#### **Disclaimer**

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#### **Notice**

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

Unit Coordinator

Adrian Coorey

All communication is via iLearn

Contact via n/a

n/a

Please contact the Unit Coordinator via iLearn in advance for consultation

Credit points

10

Prerequisites

(80cp in LAW or LAWS units) or (130cp including (BUSL250 and BUSL301) or BUSL251 or ACCG2051)

Corequisites

Co-badged status

Unit description

The unit introduces students to the principal areas of law in Australia which aim to preserve competition in the economy and to ensure consumer protection. Attention will focus on the competition law provisions in the *Competition and Consumer Act 2010* and their theoretical underpinnings. Topics include cartels; anticompetitive agreements and concerted practices; misuse of market power; mergers; warranties and guarantees; misleading or deceptive conduct; unconscionable conduct and unfair contract terms; remedies and enforcement of both consumer and competition law.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

**ULO1:** Understand the economic concepts used in competition law to articulate the effects of anticompetitive practices.

**ULO2:** Consolidate the development of competition law in Australia and various parts of the world and examine the objective(s) of competition law in the economy.

**ULO3:** Consider the powers of the courts, regulatory bodies, and private individuals to distinguish between different enforcement methods in competition and consumer law.

**ULO4:** Apply the Competition and Consumer Act, case law, and soft law to solve problems in competition and consumer law.

## General Assessment Information

### QUIZZES (25%)

There will be 25 multiple choice to be completed online during tutorial times commencing from 24 March 2021 (Week 5) and continue for five classes until

For the sake of clarity, the dates for the multiple choice assessment are as follows:

1. In tutorial class on 24 March 2021 (Week 5) = 5 multiple choice questions worth a total of 5 marks;
2. In tutorial class on 31 March 2021 (Week 6) = 5 multiple choice questions worth a total of 5 marks;
3. In tutorial class on 21 April 2021 (Week 7) = 5 multiple choice questions worth a total of 5 marks;
4. In tutorial class on 28 April 2021 (Week 8) = 5 multiple choice questions worth a total of 5 marks; and
5. In tutorial class on 5 May 2021 (Week 9) = 5 multiple choice questions worth a total of 5 marks.

**There is no need for research. All quiz questions are based off the prescribed textbook, Adrian Coorey, *Australian Consumer Law - The Comprehensive Guide* (Jurisprudentia, Sydney, 2021) and Student Guide Cards, *Consumer Law I, II and III*.**

### HYPOTHETICAL PROBLEM ASSESSMENT (50%)

There will be two hypothetical problem questions worth 25% each. More details will be provided on ILearn.

**There is no need for research. Both problem questions are based off the prescribed textbook, Adrian Coorey, *Australian Consumer Law - The Comprehensive Guide* (Jurisprudentia, Sydney, 2021) and Student Guide Cards, *Consumer Law I, II and III*.**

### TIME LIMIT FINAL EXAM (25%)

There will be one hypothetical problem question worth 25% . More details will be provided on ILearn.

**There is no need for research. The final problem question is based off the prescribed textbook, Adrian Coorey, *Australian Consumer Law - The Comprehensive Guide***

(Jurisprudentia, Sydney, 2021) and Student Guide Cards, *Consumer Law I, II and III*.

Additional materials for the competition aspects of the assessment will be provided on ilearn.

### Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Quizzes</a>	25%	No	24/3/2021 (Week 5)
<a href="#">Hypothetical Problem Question</a>	50%	No	3/5/2021 (Week 9)
<a href="#">Time-limited Final Assessment</a>	25%	No	10/6/2021

### Quizzes

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 2 hours

Due: **24/3/2021 (Week 5)**

Weighting: **25%**

In the tutorials/OCS students will need to complete short quizzes

On successful completion you will be able to:

- Understand the economic concepts used in competition law to articulate the effects of anticompetitive practices.
- Consolidate the development of competition law in Australia and various parts of the world and examine the objective(s) of competition law in the economy.
- Consider the powers of the courts, regulatory bodies, and private individuals to distinguish between different enforcement methods in competition and consumer law.

### Hypothetical Problem Question

Assessment Type <sup>1</sup>: Problem set

Indicative Time on Task <sup>2</sup>: 45 hours

Due: **3/5/2021 (Week 9)**

Weighting: **50%**

Students will be required to solve a hypothetical problem question.

On successful completion you will be able to:

- Understand the economic concepts used in competition law to articulate the effects of anticompetitive practices.
- Apply the Competition and Consumer Act, case law, and soft law to solve problems in competition and consumer law.

## Time-limited Final Assessment

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 5 hours

Due: **10/6/2021**

Weighting: **25%**

Students will be required to solve a hypothetical problem question in a time-limited take home test

On successful completion you will be able to:

- Understand the economic concepts used in competition law to articulate the effects of anticompetitive practices.
- Apply the Competition and Consumer Act, case law, and soft law to solve problems in competition and consumer law.

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

### **DELIVERY**

Students are expected to listen to weekly lectures, which are around 2 hours long. Lectures begin in Week 1 and are available on Echo 360 via the iLearn unit page. Each week, students should also attend one-hour of tutorials.

The OCS will be held on 16 and 17 April. Students are expected to have prepared for the OCS by having listened to the lecture recordings. During the OCS students are expected to complete short quizzes (these quizzes amount to 25% of the final mark for this unit).

## RESOURCES

**Prescribed Textbook:** Adrian Coorey, *Australian Consumer Law - The Comprehensive Guide* (Jurisprudencia, Sydney, 2021). All students must purchase the prescribed textbook, as it is the most up-to date coverage of the Australian Consumer Law, and all assessments are based off it. The textbook can be purchased online at <https://www.jurisprudencia.com.au/>. Please do not pay the full price for the textbook. There is a student discount for the textbook when you enter the shopping cart. Please enter the following code 'STD2021'.

**Recommended Material:** Jurisprudencia, *Consumer Law I, II and III* (Student Guide Cards, Sydney, 2021) and *Competition Law I, II and III* (Student Guide Cards, Sydney, 2021). The Guide Cards can be purchased online at <https://www.jurisprudencia.com.au/>. Jurisprudencia also offers discounts for bundles of Guide Cards and the textbook.

**A full reading list for each weekly topic be posted on the iLearn unit page.**

## Unit Schedule

### READING LIST

**Prescribed text:** Adrian Coorey, *Australian Consumer Law – The Comprehensive Guide* (Jurisprudencia, Sydney, 2021) (**Coorey**).

**Additional Materials:** Student Guide Cards, *Consumer Law I, II and III* (Jurisprudencia, Sydney, 2021) (**SGC Consumer Law I, II and III**) and *Competition Law I, II and III* (Jurisprudencia, Sydney, 2021) (**SGC Competition Law I, II and III**).

There is no prescribed text for the Competition Law aspect of this course. Additional learning materials will be provided on iLearn.

Week	Topic	Prescribed Reading	Additional Reading (Optional) <sup>[1]</sup>
<b>Australian Consumer Law</b>			
1	Introduction	Coorey – Ch 1 (pp 1-12, 20-25)	-
2	Definitions and Key Concepts	Coorey – Ch 2 (pp 32-42, 60-85, 102-105, 121-130)	Coorey – Ch 2 (pp 93-96, 131-138)
3	Misleading or Deceptive Conduct – General Principles	Coorey – Ch 3 (pp 143-175, 182-190, 198-212)  SGC Consumer Law I	Coorey – Ch 3 (pp 176-181)
4	Misleading or Deceptive Conduct and Advertising	Coorey – Ch 4 (pp 215-254)	Coorey - Ch 4 (pp 254-260)

5	Misleading or Deceptive Conduct and the Internet	Coorey – Ch 4 (pp 261-279) Coorey - Ch 5 (pp 288-318)	Coorey - Ch 4 (pp 280-283) Coorey - Ch 5 (pp 318-326)
6	False or Misleading Representations	Coorey – Ch 8 (pp 411-449) SGC Consumer Law I	Coorey – Ch 8 (pp 450-457)
7	Unconscionable Conduct	Coorey - Ch 9 (pp 461-514) SGC Consumer Law II	Coorey - Ch 9 (pp 515-543)
8	Unfair Contract Terms Specific Unfair Practices	Coorey – Ch 10 (pp 546-594) SGC Consumer Law II Coorey – Ch 11 (pp 604-643) SGC Consumer Law II	Coorey – Ch 10 (pp 595-562)
9	Consumer Guarantees (and Remedies)	Coorey – Ch 12 (pp 647-677) Coorey – Ch 13 (pp 703-716) SGC Consumer Law III	Coorey – Ch 12 (pp 678-700) Coorey – Ch 13 (pp 716-725)
<b>Australian Competition Law</b>			
10	Cartels	Materials will be provided on iLearn	SGC Competition Law I and II
11	Anti-competitive contract, arrangements or understandings and concerted practices	Materials will be provided on iLearn	SGC Competition Law I and II
12	Misuse of market power and Exclusive Dealings	Materials will be provided on iLearn	SGC Competition Law I and II
13	Resale Price Maintenance and Mergers and Acquisitions	Materials will be provided on iLearn	SGC Competition Law III

[1] Additional Reading is not mandatory reading. Students who wish to specialise in Australian Consumer Law are encouraged to undertake the Additional Reading.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)

- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies](https://students.mq.edu.au/support/study/policies) (<https://students.mq.edu.au/support/study/policies>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>) and use the [search tool](#).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](https://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)



## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Changes from Previous Offering

This course is focused on Australian Consumer Law and covers the main areas of Australian Competition Law. The course has been entirely updated with the reference to the latest legislation, case law and secondary sources.