



# LAWS8020

## Competition Law

Session 1, In person-scheduled-weekday, North Ryde 2022

*Macquarie Law School*

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## General Information

Unit convenor and teaching staff

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Credit points

10

Prerequisites

Admission to LLM or MIntTrdeComLaw or (Admission to JD and LAWS600 or LAWS8001)

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:** Apply the economic concepts used in competition law to examine the effects of anticompetitive practices.

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

**ULO3:** Critically assess the powers of the courts, regulatory bodies, and private individuals to evaluate the role of 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 5 quizzes at the following times:

#### *Quiz 1*

Open: 9am, Monday 7 March 2022 (Week 3)

Close: 5pm, Monday 7 March 2022 (Week 3)

#### *Quiz 2*

Open: 9am, Monday 14 March 2022 (Week 4)

Close: 5pm, Monday 14 March 2022 (Week 4)

#### *Quiz 3*

Open: 9am, Monday 21 March 2022 (Week 5)

Close: 5pm, Monday 21 March 2022 (Week 5)

#### *Quiz 4*

Open: 9am, Monday 28 March 2022 (Week 6)

Close: 5pm, Monday 28 March 2022 (Week 6)

#### *Quiz 5*

Open: 9am, Monday, 4 April 2022 (Week 7)

Close: 5pm, Monday 4 April 2022 (Week 7)

Each quiz consists of 5 multiple choice questions. Each multiple choice question is worth 1 mark. Topics for each quiz will be provided in a separate document on iLearn. There is no need for research for the quiz. All quiz questions are based on information in the prescribed textbook.

### HYPOTHETICAL PROBLEM QUESTIONS (50%)

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

There is no need for research for the hypothetical problem questions. Both questions will be based on information in the prescribed textbook.

### FINAL EXAM (TIME LIMITED) (25%)

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

There is no need for research for the final exam. The question will be based on information provided on iLearn and the prescribed text.

### Late Submission

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Take-Home Exam</u>	25%	No	7/03/2022 (Week 3)
<u>Participation</u>	25%	No	2/05/2022 (Week 9)
<u>Hypothetical Problem Question</u>	50%	No	8/06/2022 (Exam Period)

### Take-Home Exam

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

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

Due: **7/03/2022 (Week 3)**

Weighting: **25%**

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

On successful completion you will be able to:

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

### Participation

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

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

Due: **2/05/2022 (Week 9)**

Weighting: **25%**

Students will be required to participate in a variety of problem solving tasks and discussion of competition and consumer law and may also be required to complete short in class quizzes.

On successful completion you will be able to:

- Apply the economic concepts used in competition law to examine the effects of anticompetitive practices.
- Analyse the development of competition law in Australia and various parts of the world and appraise the objective(s) of competition law in the economy.
- Critically assess the powers of the courts, regulatory bodies, and private individuals to evaluate the role of different enforcement methods in competition and consumer law.
- Apply the Competition and Consumer Act, case law, and soft law to solve problems 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: **8/06/2022 (Exam Period)**

Weighting: **50%**

Students will be required to solve a hypothetical problem question.

On successful completion you will be able to:

- Apply the economic concepts used in competition law to examine 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

### Lectures

Each week will consist of a 2 hour lecture that is uploaded to Echo 360 on iLearn. Lectures will be available in weeks 1 to 12. It is advised that you listen to the weekly lecture in advance of your corresponding weekly tutorial.

### Tutorials

Each week consists of a 1 hour tutorial. Each student is expected to attend the tutorial that they are enrolled in. Due to privacy issues, the tutorials are not recorded.

A Zoom link is available on iLearn for all online tutorials.

A separate Zoom link will be available for students enrolled in the On-Campus Session (OCS). For OCS students, the tutorials are set at 9am to 4pm, Tuesday, 12th and 9am to 4pm, Wednesday 13th April.

### Resources

**Prescribed Textbook:** Adrian Coorey, *Australian Consumer Law - The Comprehensive Guide* (Jurisprudencia, Sydney, 2021). The prescribed textbook is *required* for this course. 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 'STD2022'.

**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/>.

A Bruce, *Australian Competition Law* (4th Edition, LexisNexis, Sydney 2021). This textbook is *optional* (as detailed notes and other materials for the Competition Law topics will be uploaded on iLearn). This textbook can be purchased online from LexisNexis or from other online suppliers, e.g. Booktopia.

## Unit Schedule

### Reading List

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

**Recommended Materials (optional):** 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**). A Bruce, *Australian Competition Law* (4<sup>th</sup> edition) (LexisNexis, Sydney 2021) (**A Bruce**).

Please **note** that Additional Reading (as listed below) is **not** mandatory reading. Students who wish to specialise in Australian Consumer Law and/or Australian Competition Law are encouraged to undertake the Additional Reading.

Week	Topic	Prescribed Reading	Additional Reading (Optional)
<b>Australian Consumer Law</b>			
1	Introduction - Definitions and Key Concepts	Coorey – Ch 1 (pp 1-12, 20-25) Coorey – Ch 2 (pp 32-42, 60-85, 102-105, 121-130)	Coorey – Ch 2 (pp 93-96, 131-138)
2	Misleading or Deceptive Conduct – General Principles	Coorey – Ch 3 (pp 143-212) SGC Consumer Law I	Coorey - Ch 6 (329-363) Coorey - Ch 7 (366-408)
3	Misleading or Deceptive Conduct and Advertising	Coorey – Ch 4 (pp 215-255, 261-283)	Coorey - Ch 4 (pp 256-260)
4	Misleading or Deceptive Conduct and the Internet	Coorey - Ch 5 (pp 288-318)	Coorey - Ch 5 (pp 318-326)
5	False or Misleading Representations	Coorey – Ch 8 (pp 411-457) SGC Consumer Law I	-
6	Unconscionable Conduct	Coorey - Ch 9 (pp 461-514, 519-539) SGC Consumer Law II	Coorey - Ch 9 (pp 515-518, 540-543)
7	Unfair Contract Terms Specific Unfair Practices	Coorey – Ch 10 (pp 546-562) SGC Consumer Law II Coorey – Ch 11 (pp 604-641) SGC Consumer Law II	Coorey – Ch 11 (pp 642-643)
8	Consumer Guarantees (and Remedies)	Coorey – Ch 12 (pp 647-700) Coorey – Ch 13 (pp 703-725) SGC Consumer Law III	-
<b>Australian Competition Law</b>			
9	Cartels	Materials will be provided on iLearn	SGC Competition Law I and II
10	Anti-competitive contract, arrangements or understandings and concerted practices	Materials will be provided on iLearn	SGC Competition Law I and II

11	Misuse of market power and Exclusive Dealings	Materials will be provided on iLearn	SGC Competition Law I and II
12	Resale Price Maintenance and Mergers and Acquisitions	Materials will be provided on iLearn	SGC Competition Law III
13	Revision	Sample Question(s) to be provided on iLearn	

## 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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)

## Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and



courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

## Student Support

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

### The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)

## Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

## 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.