



LAWS8020

Competition Law

Session 1, Online-scheduled-weekday 2024

Macquarie Law School

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Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Unit Convenor

Adrian Coorey

adrian.coorey@mq.edu.au

Contact via "Communicate with Staff Privately" chat on iLearn.

N/A

Either just before, or just after, your tutorial

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

All assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments. Students should carefully check that they submit the correct file for an assessment. You can only submit your assessment once.

In terms of word count, there is a 10% leeway on the word limit for each assessment. Submissions that exceed the specified word limit 10% leeway will not be read beyond the word limit. For fairness to other students and consistency in marking, this will be enforced strictly.

Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation 4th edition. Marking of all assessments is moderated through a process of blind marking and the use of detailed marking rubrics.

Late penalty policy Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue. This late penalty will apply to non-timed sensitive assessments (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time-sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application.

Special Consideration outcome may result in a Supplementary Assessment. Special Consideration Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

Further information in relation to all Assessments is uploaded on iLearn.

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|---|-----------|--------|---|
| Class Participation | 20% | No | Start: Week 1 Due: Week 13 |
| Hypothetical Problem Question | 40% | No | Start: 9am, 22 April 2024 Due: 11:55pm, 23 April 2024 |

| Name | Weighting | Hurdle | Due |
|-----------------------|-----------|--------|---|
| <u>Take-Home Exam</u> | 40% | No | Start: 9am 17 June 2024 Due: 12pm, 17 June 2024 |

Class Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Start: Week 1 Due: Week 13**

Weighting: **20%**

Student participation in tutorial discussions, debates and/or presentations

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 ¹: Problem set

Indicative Time on Task ²: 15 hours

Due: **Start: 9am, 22 April 2024 Due: 11:55pm, 23 April 2024**

Weighting: **40%**

Students will be required to solve two hypothetical problem questions.

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.

Take-Home Exam

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 15 hours

Due: **Start: 9am 17 June 2024 Due: 12pm, 17 June 2024**

Weighting: **40%**

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.

¹ 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.

² 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

Lectures

Each week will consist of a 2 hour lecture that is recorded and uploaded to Echo 360 on iLearn. It is advised that you listen to the weekly lecture in advance of your corresponding weekly tutorial.

Tutorials

Each student **must** attend the tutorial that they are enrolled in. For online tutorials, a Zoom link is available on iLearn. For face-to-face tutorials, please see online for room location.

For face-to-face students (in **LAWS8020**), each week consists of a 1 hour tutorial. Please only attend the tutorial you are enrolled in.

For online students (in **LAWS8020**), the tutorials consist of a 2 hour tutorial each fortnight. There is 6 tutorials in total. Tutorial 1 will commence in Week 2 (7pm to 9pm, Monday 26 February). Tutorial 2 will commence in Week 4 (7pm to 9pm, Monday 11 March). Tutorial 3 will commence in Week 6 (7pm to 9pm, Monday 25 March). Tutorial 4 will commence in Week 8 (7pm to 9pm, Monday 8 April). Tutorial 5 will commence in Week 10 (7pm to 9pm, Monday 6 May). Tutorial 6 will commence in Week 12 (7pm to 9pm, Monday 20 May).

Resources

Prescribed Textbooks

1. Adrian Coorey, *Australian Competition Law - The Comprehensive Guide (Vol 1)* (Jurisprudentia, Sydney, 2024).
2. Adrian Coorey, *Australian Consumer Law - The Comprehensive Guide* (Jurisprudentia, Sydney 2021).

The above prescribed textbooks are available online at <https://www.jurisprudentia.com.au/>. You may acquire the textbooks in a bundle at a discount.

Unit Schedule

Reading List

Prescribed Materials:

Adrian Coorey, *Australian Competition Law – The Comprehensive Guide (Vol 1)* (Jurisprudentia, Sydney, 2024) (**ACompL Book**)

Adrian Coorey, *Australian Consumer Law – The Comprehensive Guide* (Jurisprudentia, Sydney, 2021) (**ACL Book**).

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 (<i>Optional</i>) |
|-----------------------------------|--|---|--|
| Australian Competition Law | | | |
| 1 | Introduction to Australian Competition Law Definitions and Key Concepts I | ACompL Book – Ch 1 ACompL Book – Ch 2 (pp 21 – 64) | ---- ACompL Book – Ch 2 (pp 64 – 81) |
| 2 | Definitions and Key Concepts II Primary Contravener and Accessorial Liability | ACompL Book – Ch 3 (pp 82-141) ACompL Book – Ch 4 (pp 152-173) | ACompL Book – Ch 3 (pp 142-151) ACompL Book – Ch 4 (pp 173-189) |

| | | | |
|--------------------------------|--|---|--|
| 3 | Civil Cartels | ACompL Book – Ch 5 (pp 190-236, 355-361, 384-391, 405-413) | ACompL Book – Ch 5 (all remaining pages) |
| | Criminal Cartels | ACompL Book – Ch 6 (pp 450-452, 488-522) | ACompL Book – Ch 6 (all remaining pages) |
| | Exceptions to Cartels | ---- | ACompL Book – Ch 7 |
| 4 | Anti-Competitive Agreements | ACompL Book – Ch 8 (pp 584-615) | ACompL Book – Ch 8 (all remaining pages) |
| | Secondary Boycotts | ACompL Book – Ch 9 (pp 653, 665-695) | ACompL Book – Ch 9 (all remaining pages) |
| 5 | Misuse of Market Power | ACompL Book – Ch 10 (pp 739-740, 750-755, 769-771, 778-836) | ACompL Book – Ch 10 (all remaining pages) |
| | Exclusive Dealing | ACompL Book – Ch 11 | ---- |
| 6 | Resale Price Maintenance | ACompL Book – Ch 12 | ---- |
| | Mergers | Materials will be provided on iLearn | ---- |
| | Authorisation and Notification | Materials will be provided on iLearn | ---- |
| Australian Consumer Law | | | |
| 7 | Introduction to Australian Consumer Law | ACL Book – Ch 1 (pp 1-12, 20-25) | |
| | Definitions and Key Concepts | ACL Book – Ch 2 (pp 32-42, 60-85, 102-105, 121-130) | ACL Book – Ch 2 (pp 93-96, 131-138) |
| 8 | Misleading or Deceptive Conduct – General Principles | ACL Book – Ch 3 (pp 143-212) | ACL Book - Ch 6 (329-363) ACL Book - Ch 7 (366-408) |
| 9 | Misleading or Deceptive Conduct and Advertising | ACL Book – Ch 4 (pp 215-255, 261-283) | ACL Book - Ch 4 (pp 256-260) |
| | Misleading or Deceptive Conduct and the Internet | ACL Book - Ch 5 (pp 288-318) | ACL Book - Ch 5 (pp 318-326) |
| 10 | False or Misleading Representations | ACL Book – Ch 8 (pp 411-457) | - |

| | | | |
|----|--|--|---------------------------------------|
| 11 | Unconscionable Conduct | ACL Book - Ch 9 (pp 461-514, 519-539) | ACL Book - Ch 9 (pp 515-518, 540-543) |
| 12 | Unfair Contract Terms Specific Unfair Practices | ACL Book – Ch 10 (pp 546-562) ACL Book – Ch 11 (pp 604-641) | ACL Book – Ch 11 (pp 642-643) |
| 13 | Consumer Guarantees (and Remedies) | ACL Book – Ch 12 (pp 647-700) ACL Book – Ch 13 (pp 703-725) | - |

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 or if you are a Global MBA student contact 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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

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/.

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 since First Published

| Date | Description |
|------------|--|
| 12/02/2024 | Dear all students, I have made a change to the Assessment dates. The Assessment dates for the Mid Semester and Final Take Home were backwards. I have now corrected this error. Kind regards, Adrian |

Unit information based on version 2024.03 of the [Handbook](#)