



# LAWS820

## Competition Law

S1 Day 2018

*Dept of Law*

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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

Convenor

Roderick Smith

[roderick.smith@mq.edu.au](mailto:roderick.smith@mq.edu.au)

Contact via email

Friday 3pm

Adrian Coorey

[adrian.coorey@mq.edu.au](mailto:adrian.coorey@mq.edu.au)

### Credit points

4

### Prerequisites

(16cp in LAW or LAWS units at 600 level or above) and (admission to JD or LLM or GradCertLaw or GradDipLaw)

### Corequisites

### Co-badged status

### Unit description

This unit examines the competition law provisions of the Competition and Consumer Act 2010 (Cth). The unit considers the policy framework behind the law, including Australia's National Competition Policy, and the current policy debates surrounding the regulation of competition. Topics include the regulation of cartels, anti-competitive arrangements and understandings, and abuse of market power. Considerable time is spent reading and interpreting statutes and on the administration of schemes of government regulation.

## 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:

- Describe the scope of the Competition and Consumer Act 2010 (Cth) ('CCA'), its provisions; how it affects daily life. Understand the Constitutional issues influencing its design; and how an Application scheme operates to address these Constitutional issues.
- Demonstrate knowledge of and skills in statutory interpretation by working closely with

the CCA's provisions.

Examine the differences between the previous legislation and its current form; understand and critique the current amendments resulting from the Harper Review and appreciate the process of legislative change.

Analyse the role of regulatory bodies, in particular the ACCC and ASIC, in law enforcement and the policy considerations which may influence enforcement. Consider the current reviews on penalties bringing Corporations Act in line with the CCA.

Critically appraise the CCA, considering: whether it achieves its stated aims; the difficulties of translating policy into legislation; and the tensions between competing aims in the legislation.

Apply the CCA to solve problems in competition law and consumer law, incorporating Harper Review changes and effectiveness of remedies and penalties.

## General Assessment Information

### MACQUARIE LAW SCHOOL POLICY ON ASSESSMENTS

Applications for a Special Consideration Policy are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the Special Consideration Policy for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

### MODERATION POLICY

Detailed marking rubrics will be made available on iLearn. All Fail papers are double marked.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Online test</a>	20%	No	Week 5 and 10
<a href="#">Assignment</a>	40%	No	20/05/18 at 11.59 p.m.
<a href="#">Final Assessment</a>	40%	No	12/06/18 at 5 p.m.

### Online test

Due: **Week 5 and 10**

Weighting: **20%**

There will be 2 Quizzes each worth 10%. These will be available through iLearn on Fridays of weeks 5 and 10 assessing the content from preceding weeks. Each quiz must be completed within an hour of commencement and each quiz will be available from 7:00am on Friday to 7:00am on Saturday. More information regarding the quizzes will be provided on iLearn. This is a timed assessment and no late submissions will be accepted.

On successful completion you will be able to:

- Describe the scope of the Competition and Consumer Act 2010 (Cth) ('CCA'), its provisions; how it affects daily life. Understand the Constitutional issues influencing its design; and how an Application scheme operates to address these Constitutional issues.
- Demonstrate knowledge of and skills in statutory interpretation by working closely with the CCA's provisions.
- Examine the differences between the previous legislation and its current form; understand and critique the current amendments resulting from the Harper Review and appreciate the process of legislative change.
- Analyse the role of regulatory bodies, in particular the ACCC and ASIC, in law enforcement and the policy considerations which may influence enforcement. Consider the current reviews on penalties bringing Corporations Act in line with the CCA.
- Critically appraise the CCA, considering: whether it achieves its stated aims; the difficulties of translating policy into legislation; and the tensions between competing aims in the legislation.
- Apply the CCA to solve problems in competition law and consumer law, incorporating Harper Review changes and effectiveness of remedies and penalties.

## Assignment

Due: **20/05/18 at 11.59 p.m.**

Weighting: **40%**

### **Hypothetical Problem and theoretical question**

You will be given a hypothetical problem and theoretical question at least four weeks prior to the due date. The hypothetical problem will cover all material presented prior to the due date. The theoretical question will be based on concepts in course materials already introduced by the due date. The distribution of marks shall be indicated on the assignment itself when it is distributed.

**Total word limit: no more than 3,500 words - excluding references.** (Note: references are excluded, not footnotes. If footnotes contain argument they will be included in the word count. Penalties apply for exceeding the word limit.)

### **Further instructions:**

You should provide an integrated discussion of the issues raised, well supported by appropriate legal references. It is expected that your work will demonstrate a strong understanding of the

current debate around the relevant law, informed by your reading. This reading will be reflected in your references, but more importantly in your demonstrated understanding of the arguments.

Your work should **not** be presented in point form and all standard conventions of grammar and spelling should be observed. Please proof read before submission.

- Referencing should be in accordance with AGLC 3.
- Please use a font size no smaller than 12 point font. Headings and sub-headings may be used as appropriate to assist in the clear structure of your argument.
- All assignments are to be submitted through the Turnitin portal on the ilearn webpage.

### **Late Submission and extensions**

The following policy for late penalties applies to all students in the Arts Faculty. 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.

A timed assessment is any assessment where the question is released five days or less before the answer is due. So for instance a multiple choice quiz that students have a limited time to complete once they open it is a 'timed assessment'. A take home assessment where the question is released on the Monday and the answer is due on the Thursday is a 'timed assessment'.

If you are applying for special consideration, please submit your work in progress through Turnitin with a note that an application for special consideration has been lodged.

**Grading Criteria: please see this Unit Guide for grading criteria.**

**Submission shall be via a turnitin link which will be set up in Ilearn.**

On successful completion you will be able to:

- Describe the scope of the Competition and Consumer Act 2010 (Cth) ('CCA'), its provisions; how it affects daily life. Understand the Constitutional issues influencing its design; and how an Application scheme operates to address these Constitutional issues.
- Demonstrate knowledge of and skills in statutory interpretation by working closely with the CCA's provisions.
- Examine the differences between the previous legislation and its current form; understand and critique the current amendments resulting from the Harper Review and appreciate the process of legislative change.

- Analyse the role of regulatory bodies, in particular the ACCC and ASIC, in law enforcement and the policy considerations which may influence enforcement. Consider the current reviews on penalties bringing Corporations Act in line with the CCA.
- Critically appraise the CCA, considering: whether it achieves its stated aims; the difficulties of translating policy into legislation; and the tensions between competing aims in the legislation.
- Apply the CCA to solve problems in competition law and consumer law, incorporating Harper Review changes and effectiveness of remedies and penalties.

## Final Assessment

Due: **12/06/18 at 5 p.m.**

Weighting: **40%**

The take home will consist of two hypothetical problem questions of equal value which may raise any issues discussed in the course

Word length: 3000 words.

Footnotes: As this task is in lieu of a formal exam there is no need for footnotes or AGLC referencing. However all cases and legislation should be referenced in appropriate exam style (that is short name, no need for full citation), and if footnotes are included they will be counted in the word length.

Release date: the Take home will be released on the Unit web site on 8th June before midday.

Students will have four days to complete this task. This is not an indication of the length or complexity of the task. A very well prepared student should be able to complete this task in much less than a day. The extended time period allows students to plan the completion of this task around their other commitments. This should obviate the need for any requests for extensions - which are unlikely to be given.

On successful completion you will be able to:

- Describe the scope of the Competition and Consumer Act 2010 (Cth) ('CCA'), its provisions; how it affects daily life. Understand the Constitutional issues influencing its design; and how an Application scheme operates to address these Constitutional issues.
- Demonstrate knowledge of and skills in statutory interpretation by working closely with the CCA's provisions.
- Examine the differences between the previous legislation and its current form; understand and critique the current amendments resulting from the Harper Review and appreciate the process of legislative change.
- Analyse the role of regulatory bodies, in particular the ACCC and ASIC, in law enforcement and the policy considerations which may influence enforcement. Consider

the current reviews on penalties bringing Corporations Act in line with the CCA.

- Apply the CCA to solve problems in competition law and consumer law, incorporating Harper Review changes and effectiveness of remedies and penalties.

## Delivery and Resources

### DELIVERY

#### EXTERNAL STUDENTS

Students are expected to and complete the essential readings and listen to one two hour lecture which will be available online each week.

Students are expected to attend the OCS sessions for this unit. Attendance at the OCS is necessary for all external students. Please carefully check the dates, times and rooms for these sessions. Materials for discussion, including tutorial questions, will be posted online in Week 3.

#### INTERNAL STUDENTS

Students are expected to listen to one two hour lecture each week which will be posted online.

**Lectures** begin in week one. Lectures are also available on ilecture, but students are reminded that if they have not either attended a lecture or completed the ilecture prior to the tutorial they will not understand the tutorial discussion, will not benefit from it, and will not be able to participate in the discussion.

**Tutorials** will commence in week two. Questions for tutorials will be posted on the iLearn page regularly. Students are expected to have prepared for the tutorials.

### TECHNOLOGY

Students are encouraged to check the unit webpage regularly, which can be accessed through <http://ilearn.mq.edu.au> Unit materials, including tutorial questions, are available through the unit webpage.

The assignment and the final assessment are to be submitted using the Turnitin portal on the unit webpage.

PC and internet access are required, as are basic computer and word processing skills.

### REQUIRED READING

#### Texts

- For Consumer Law

Coorey, A. Australian Consumer Law 2015, Lexis Nexis

- For Competition Law

Bruce, A Australian Competition Law 2018, Lexis Nexis

NB A full reading list will be posted online prior to the commencement of the semester once the text books have been released from the publisher.

Please note that the earlier editions of Bruce's text are not adequate. The latest edition included the comprehensive changes brought about when the Harper Review changes and recommendations which have now been enacted.

## Legislation

- You will need access to the *Competition and Consumer Act 2010* (Cth). As we will see, this legislation is the subject of heavy and almost constant amendment, so it is critical to have access to an up-to-date version. The versions on line are usually up to date, but not as helpful as the printed, annotated legislation. Two versions of the annotated legislation are available - one by Miller and one by Steinwall. Both are excellent, and it will be advantageous if you obtain a copy of the annotated legislation of your choice. Second hand copies are available, but as the legislation changes frequently, any annotated legislation older than 2015 will be of little use and will need to be checked against the current text of the legislation. It should be clear from lectures which sections have been the subject of recent amendment. I also note that Steinwall 2017 edition does NOT include the Harper Review amendments. I do not believe an updated annotated Act has been published yet but we will keep you updated in this respect.
- the legislation was changed during the later part of 2017 - especially the Competition provisions and this must be kept in mind when using older annotated Acts.

### Useful websites

- Australian Competition and Consumer Commission [www.accc.gov.au](http://www.accc.gov.au)
- Australian Federal government consumer site [www.consumer.gov.au](http://www.consumer.gov.au)
- Australian Productivity Commission [www.pc.gov.au](http://www.pc.gov.au)
- Consumers Federation [www.consumersfederation.com](http://www.consumersfederation.com)
- European Union consumer materials [www.europa.eu.int/comm/consumers/](http://www.europa.eu.int/comm/consumers/)
- Home Page of Recalled Items [www.recalls.gov.au](http://www.recalls.gov.au)
- Ministerial Council on Consumer Affairs [www.consumer.gov.au](http://www.consumer.gov.au)
- New Zealand Consumer Affairs [www.consumeraffairs.govt.nz/productsafety/](http://www.consumeraffairs.govt.nz/productsafety/)
- Office of Fair Trading New South Wales [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)
- Standards Australia [www.standards.org.au](http://www.standards.org.au)



# GRADING CRITERIA

## GRADING CRITERIA FOR INDIVIDUAL ASSESSMENTS

### 1. ASSESSMENT CRITERIA FOR ASSIGNMENT

#### FAIL (49% AND BELOW)

- does not answer question;
- few if any identifiable arguments;
- inappropriate and/or irrelevant content;
- plagiarism, use of other students' work, 'recycling' own work from other units;
- difficult to read and/or understand through poor grammar, spelling, expression or structure.

#### PASS (50% - 64%)

- attempts to answer question, but does not answer the entire question, or follow through with reasoned argument;
- does not demonstrate engagement with the issues;
- descriptive summary of material relevant to question;
- superficial use of material and tendency to paraphrase and/or quote heavily;
- minimal analysis and evaluation;
- adequate expression.

#### CREDIT (65%-74%)

- mostly answers the question;
- contains no significant errors and covers relevant issues fairly well;
- articulates own argument including critical evaluation of the issues;
- good use of material relevant to question;
- has clear structure and clear expression

#### DISTINCTION (75%-84%)

- completely answers the question;
- articulates own argument including critical evaluation of the issues;
- excellent use of material relevant to question;
- excellent expression and free from errors

#### HIGH DISTINCTION (85% and above)

- satisfies all the criteria for a Distinction; and

- contains striking originality in analysis;
- innovative use of material relevant to the question;
- exceptionally well written and exceptionally well-structured.

## 2. ASSESSMENT CRITERIA FOR PROBLEM QUESTIONS

### FAIL (49% AND BELOW)

- fails to identify and discuss relevant issues of law raised by facts;
- contains incorrect statements of law;
- does not provide relevant authorities for propositions of law;
- inappropriate and/or irrelevant content;
- plagiarism, use of other students' work, 'recycling' own work from other units;
- difficult to read and/or understand through poor grammar, expression or structure
- fails to comply with formatting instructions.

### PASS (50% - 64%)

- correctly identifies and discusses a limited number of issues of law raised by the facts
- contains no significant errors of law;
- provides correct authorities for propositions of law;
- attempts to apply relevant law to the given facts;
- adequate expression.

### CREDIT (65%-74%)

- correctly identifies and discusses most of the issues of law raised by the facts;
- contains no errors of law;
- provides correct authorities for propositions of law;
- successfully applies relevant law to the given facts;
- identifies differences between facts in the question and fact patterns in cases, and attempts to discuss relevance of this to the solution;
- identifies discrepancies/inconsistencies within the law, and attempts to resolve these where they are relevant to the given facts;
- attempts to explain which outcome is more likely where there is more than 1 possible solution to the problem;
- has clear structure and clear expression

### DISTINCTION (75%-84%)

- correctly identifies and discusses all of the issues of law raised by the facts;
- contains no errors of law

- provides correct authorities for propositions of law;
- successfully applies relevant law to the given facts;
- identifies differences between facts in the question and fact patterns in cases, and successfully discusses the relevance of this to the solution;
- identifies discrepancies/inconsistencies within the law, and successfully resolves these where they are relevant to the given facts;
- successfully explains which outcome is more likely where there is more than 1 possible solution to the problem;
- has very clear structure and clear expression

HIGH DISTINCTION (85% and above)

- satisfies all the criteria for a Distinction;
- is exceptionally well written and exceptionally well-structured.
- demonstrates superior and original analytical skills.

## Unit Schedule

Week/ Lecture Date	Lecture Content	Assessment
Week 1 1st March	Introduction to the Unit, Statutory Interpretation, History of Competition and Consumer regulation and the design of the <i>Competition and Consumer Act 2010(Cth)</i> , introduction to Harper Review	It is necessary to listen to this lecture and complete the set readings for the week
Week 2 8th March	Introduction to Consumer Protection Regulation, Consumer Protection - warranties and guarantees	It is necessary to listen to this lecture and complete the set readings for the week
Week 3 15th March	Misleading or deceptive conduct	It is necessary to listen to this lecture and complete the set readings for the week
Week 4 22nd March	Misleading or deceptive conduct continued: specific examples.	It is necessary to listen to this lecture and complete the set readings for the week

Week 5 29th March	unconscionable conduct and unfair contract terms.	It is necessary to listen to this lecture and complete the set readings for the week
Week 6 5th April	Other sharp practices and manufacturer's liability	It is necessary to listen to this lecture and complete the set readings for the week
Week 7 12th April	Introduction to the Competition Law, History of Competition regulation and the design of the <i>Competition and Consumer Act 2010(Cth)</i> , analysis of the Constitutional provisions for the passing of the CCA.	It is necessary to listen to this lecture and complete the set readings for the week
	RECESS 14th to 29th April	
Week 8 3th May	Introduction to competition regulation	It is necessary to listen to this lecture and complete the set readings for the week
Week 9 10th May	Collusion and Cartel Regulation	It is necessary to listen to this lecture and complete the set readings for the week
Week 10 17th May	Misuse of Market Power	It is necessary to listen to this lecture and complete the set readings for the week
Week 11 24th May	Exclusive Dealing and RPM; Mergers and Acquisitions; Authorisation.	It is necessary to listen to this lecture and complete the set readings for the week
Week 12 1st June	Remedies and enforcement of both consumer and competition law.	It is necessary to listen to this lecture and complete the set readings for the week

Week 13 8th June	No lecture this week or tutorials this week	Revision as required	<b>Take Home Exam</b> <i>Available 8th June</i> <i>Due Tuesday 12th June at 5 p.m.</i>
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## Learning and Teaching Activities

### Tutorial Problem and Discussion Questions

Questions will be posted on iLearn weekly. It is expected that students come well prepared to tutorials with potential answers to these questions which will also form the basis for the 4 online quizzes.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). 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](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

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

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

## Student Code of Conduct

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

## Results

Results shown in *iLearn*, 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](http://ask.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](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)

- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## 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)

## 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.

## Graduate Capabilities

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

#### Learning outcomes

- Demonstrate knowledge of and skills in statutory interpretation by working closely with the CCA's provisions.
- Examine the differences between the previous legislation and its current form; understand and critique the current amendments resulting from the Harper Review and appreciate the process of legislative change.
- Analyse the role of regulatory bodies, in particular the ACCC and ASIC, in law enforcement and the policy considerations which may influence enforcement. Consider the current reviews on penalties bringing Corporations Act in line with the CCA.
- Critically appraise the CCA, considering: whether it achieves its stated aims; the difficulties of translating policy into legislation; and the tensions between competing aims in the legislation.
- Apply the CCA to solve problems in competition law and consumer law, incorporating

Harper Review changes and effectiveness of remedies and penalties.

## Assessment tasks

- Online test
- Assignment
- Final Assessment

## PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

## Learning outcomes

- Describe the scope of the Competition and Consumer Act 2010 (Cth) ('CCA'), its provisions; how it affects daily life. Understand the Constitutional issues influencing its design; and how an Application scheme operates to address these Constitutional issues.
- Demonstrate knowledge of and skills in statutory interpretation by working closely with the CCA's provisions.
- Examine the differences between the previous legislation and its current form; understand and critique the current amendments resulting from the Harper Review and appreciate the process of legislative change.
- Analyse the role of regulatory bodies, in particular the ACCC and ASIC, in law enforcement and the policy considerations which may influence enforcement. Consider the current reviews on penalties bringing Corporations Act in line with the CCA.
- Apply the CCA to solve problems in competition law and consumer law, incorporating Harper Review changes and effectiveness of remedies and penalties.

## Assessment tasks

- Online test
- Assignment
- Final Assessment

## PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

## Learning outcomes

- Demonstrate knowledge of and skills in statutory interpretation by working closely with the CCA's provisions.
- Examine the differences between the previous legislation and its current form; understand and critique the current amendments resulting from the Harper Review and appreciate the process of legislative change.
- Analyse the role of regulatory bodies, in particular the ACCC and ASIC, in law enforcement and the policy considerations which may influence enforcement. Consider the current reviews on penalties bringing Corporations Act in line with the CCA.
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- Apply the CCA to solve problems in competition law and consumer law, incorporating Harper Review changes and effectiveness of remedies and penalties.

## Assessment tasks

- Online test
- Assignment
- Final Assessment

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

## Learning outcomes

- Describe the scope of the Competition and Consumer Act 2010 (Cth) ('CCA'), its provisions; how it affects daily life. Understand the Constitutional issues influencing its design; and how an Application scheme operates to address these Constitutional issues.
- Demonstrate knowledge of and skills in statutory interpretation by working closely with the CCA's provisions.
- Analyse the role of regulatory bodies, in particular the ACCC and ASIC, in law enforcement and the policy considerations which may influence enforcement. Consider the current reviews on penalties bringing Corporations Act in line with the CCA.



- Critically appraise the CCA, considering: whether it achieves its stated aims; the difficulties of translating policy into legislation; and the tensions between competing aims in the legislation.
- Apply the CCA to solve problems in competition law and consumer law, incorporating Harper Review changes and effectiveness of remedies and penalties.

## **Assessment tasks**

- Online test
- Assignment
- Final Assessment

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

## **Learning outcomes**

- Describe the scope of the Competition and Consumer Act 2010 (Cth) ('CCA'), its provisions; how it affects daily life. Understand the Constitutional issues influencing its design; and how an Application scheme operates to address these Constitutional issues.
- Demonstrate knowledge of and skills in statutory interpretation by working closely with the CCA's provisions.
- Examine the differences between the previous legislation and its current form; understand and critique the current amendments resulting from the Harper Review and appreciate the process of legislative change.
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## **Assessment tasks**

- Online test

- Final Assessment

## PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

### Learning outcomes

- Analyse the role of regulatory bodies, in particular the ACCC and ASIC, in law enforcement and the policy considerations which may influence enforcement. Consider the current reviews on penalties bringing Corporations Act in line with the CCA.
- Critically appraise the CCA, considering: whether it achieves its stated aims; the difficulties of translating policy into legislation; and the tensions between competing aims in the legislation.
- Apply the CCA to solve problems in competition law and consumer law, incorporating Harper Review changes and effectiveness of remedies and penalties.

### Assessment task

- Online test

## Changes from Previous Offering

New texts have been prescribed. Consumer law been taught first and competition law being taught second

## Changes since First Published

Date	Description
05/02/2018	removal of reference to special consideration old law school policy