UNSW Course Outline

JURD7603 Global Issues in Competition Law and Policy - 2024

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General Course Information

Course Code : JURD7603
Year : 2024
Term : Term 3
Teaching Period : T3
Is a multi-term course? : No
Faculty : Faculty of Law and Justice
Academic Unit : School of Private and Commercial Law
Delivery Mode : In Person
Delivery Format : Standard
Delivery Location : Kensington
Campus : Sydney
Study Level : Postgraduate
Units of Credit : 6

Useful Links

Handbook Class Timetable

Course Details & Outcomes

Course Description

This course provides a comparative overview of the principles underlying competition regulation in Australia, the United States, Europe and China. The lecturers do not assume students have had any previous exposure to competition law in any of these jurisdictions or to the study of

economics. The course looks at the meaning of competition; the rights and obligations of actual or would be competitors; the role that competition law is generally expected to play in society and the nature of markets and marketing power. All these issues are examined in a global context since businesses of all sizes are increasingly operating across borders and may be forced to modify their conduct and tailor their marketing and distribution systems to fit quite different competition regimes. The course does not cover consumer protection, price control provisions nor industry specific regulations developed for the electricity, telecommunications or other industries.

- The difference between rules of reason and per se rules in competition analysis and the rational for their adoption or rejection in different jurisdictions
- Convergence and divergence in the treatment of the pivotal concepts of market definition; market power; structural and behavioural barriers to entry
- The importance and interaction of competition, efficiency and consumer welfare
- The ways in which various commercial practices based on exploitation of intellectual property rights may impact differently on competition regimes in different jurisdictions
- Differing approaches to the concept of misuse of market power, in particular the course examines:
  - refusals to deal with or license would-be competitors
  - predatory pricing
  - tying or bundling products or services

Course Aims

This course aims to:

- develop an understanding of the underlying legal and economic concepts of competition law and policy
- analyse the effectiveness of jurisdictional variations in the context of relevant political economies
- develop an understanding of the enforcement methodologies of the jurisdictions.

Relationship to Other Courses

This course has a relationship with the LLM/ JURD courses Competition Law and Policy, which focuses on the Australian Competition and Consumer Act 2010 and related documents. That course focuses on Australia as a jurisdiction.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate high level skills of collaboration and oral communication by discussing and debating course concepts in a scholarly, reflective and respectful manner. (PLOs 6, 9, 10)
CLO2 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies by completing the take-home exam. (PLOs 1, 4, 5, 6, 7, 8, 12)
CLO3 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1, 6, 9, 10).
CLO4 : Develop an advanced awareness of the principles of competition law and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in a competition law setting by way of an extended research essay (PLOs 1 (a and b), 2(a and b), 3(a) and 4)
CLO5 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1, 4, 5, 6, 7, 8, 12).

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate high level skills of collaboration and oral communication by discussing and debating course concepts in a scholarly, reflective and respectful manner. (PLOs 6, 9, 10)	• Workshop participation
CLO2 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies by completing the take-home exam. (PLOs 1, 4, 5, 6, 7, 8, 12)	• Take home exam
CLO3 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1, 6, 9, 10).	• Class Participation • Workshop participation
CLO4 : Develop an advanced awareness of the principles of competition law and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in a competition law setting by way of an extended research essay (PLOs 1 (a and b), 2(a and b), 3(a) and 4)	• Take home exam
CLO5 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1, 4, 5, 6, 7, 8, 12).	• Take home exam

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Take home exam	50%	
Workshop participation	30%	
Class Participation	20%	

Assessment Details

Take home exam

Assessment Overview

Not specified

Course Learning Outcomes

- CLO2 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies by completing the take-home exam. (PLOs 1, 4, 5, 6, 7, 8, 12)
- CLO4 : Develop an advanced awareness of the principles of competition law and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in a competition law setting by way of an extended research essay (PLOs 1 (a and b), 2(a and b), 3(a) and 4)
- CLO5 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1, 4, 5, 6, 7, 8, 12).

Detailed Assessment Description

This exam involves three short questions of differing value, with a maximum word limit of 4000 words excluding footnotes. No bibliography is necessary. Extended footnotes will incur a word penalty.

Submission notes

Dates to be included on Moodle

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

<u>Generative AI Permission Level</u>

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see here.

Workshop participation

<u>Course Learning Outcomes</u>

- CLO1 : Demonstrate high level skills of collaboration and oral communication by discussing and debating course concepts in a scholarly, reflective and respectful manner. (PLOs 6, 9, 10)
- CLO3 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1, 6, 9, 10).

<u>Detailed Assessment Description</u>

There will be assigned readings to take the place of workshops from Week 2 in the course this year as it is on-line.

Your individual contribution to the workshop will be graded out of 30 marks.There will be 5-6 students involved each week. You will be allocated a case or an article and will be given questions to consider. You must prepare a ppt presentation **with narration** around your case or article. It should be no more than 6 ppts and the narration should run for no more than 6-8 minutes. You should spend 4- 5 minutes on the background and case description, including the outcome, so that your fellow class members understand the features which affect the decision. You should then spend around 2-3 minutes on an allocated question. Time limits will be strictly adhered to.

You must email the ppts to Deborah Healey by 4 pm on the Monday preceding your presentation so that it can be uploaded to the Moodle site. You classmates will have access to it prior to class.

If there are any questions please contact the teacher.

Dates to be available on Moodle

Assignment submission Turnitin type

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Class Participation

Course Learning Outcomes

- CLO3 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1, 6, 9, 10).

Generative AI Permission Level

Not Applicable

Generative AI is not considered to be of assistance to you in completing this assessment. If you do use generative AI in completing this assessment, you should attribute its use.

For more information on Generative AI and permitted use please see here.

General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

Standard

Course Schedule

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

Research Handbook on Methods and Models of Competition Law Edited by Healey, Jacobs and Smith Edward Elgar 2020

Recommended Resources

See list on Moodle

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Deborah Healey					Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the UNSW Student Code of Conduct Website.

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the UNSW Law & Justice Assessment Policy & Student Information. This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at Assessment & Exam Information.

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact Student Services via The Nucleus Hub for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit Handbook for information.

Academic Honesty and Plagarism

As a student at UNSW you are expected to display academic integrity in your work and interactions. Where a student breaches the UNSW Student Code with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the Working with Academic Integrity module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not

encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW Current Students page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: https://www.student.unsw.edu.au/support
- Academic Skills and Support: https://student.unsw.edu.au/academic-skills
- Student Wellbeing, Health and Safety: https://student.unsw.edu.au/wellbeing
- Equitable Learning Services: https://student.unsw.edu.au/els
- UNSW IT Service Centre: https://www.myit.unsw.edu.au

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated

within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact Nucleus Student Hub for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.