



UNSW Course Outline

LAWS8064 Regulation, Litigation and Enforcement - 2024

Published on the 28 Jan 2024

General Course Information

Course Code : LAWS8064

Year : 2024

Term : Term 1

Teaching Period : T1

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

The effective regulation of areas such as competition law, securities, financial services and taxation requires the availability and use of enforcement techniques, including litigation. This course examines the procedural aspects of litigation in the regulatory context. The course

addresses litigation issues common to all regulatory schemes such pre-litigation processes which are characterised by a regulator's investigation and information gathering powers and criminal law aspects of regulatory litigation. Three different regulatory schemes and their regulator (Competition Law/ACCC, Securities Law/ASIC and Tax Law/ATO) are then examined from the perspective of enforcement and litigation.

Main Topics

- The role of enforcement in regulation
- Pre-Litigation Processes
- Competition Law Litigation
- Securities and Financial Services Litigation
- Tax Litigation
- Criminal Law Aspects of Regulatory Litigation
- Special Topics eg class actions, Royal Commissions.

(LLM students will be required to choose 2 out of 3 of competition law litigation, securities and financial services litigation and tax litigation)

Course Aims

The aims of the course are to ensure that you are familiar with the central principles of the effective regulation of areas such as competition law, securities, financial products and taxation requires the availability and use of enforcement techniques, including litigation. The course aims to:

- Understand the role of enforcement through litigation in regulation
- Be familiar with regulator investigation and information-gathering powers
- Understand the differences and complexities associated with regulatory litigation such as the use of expert evidence, role of pleadings and unique remedies available to a regulator
- Comprehend the role of criminal proceedings in regulation
- Encourage students to be able to express their arguments orally as is frequently needed in practice for directions hearings and case conferences
- Facilitate students being able to critically evaluate the information and ideas presented in the course and to research and write a well-reasoned research essay

Course Learning Outcomes

| Course Learning Outcomes |
|---|
| CLO1 : Engage in complex critical discussions of how the law and regulator conduct achieve regulatory outcomes. (PLOs 1(a), 2(a), 3 (a) and 3(b)) |
| CLO2 : Engage in self-led investigation and critical analysis of regulation, litigation and enforcement utilising professional and legal texts to evaluate current debates through an extended research essay. (PLOs 1 (a), 1(b), 2(a), 2(b), 3(a) and 4) |

| Course Learning Outcomes | Assessment Item |
|---|--|
| CLO1 : Engage in complex critical discussions of how the law and regulator conduct achieve regulatory outcomes. (PLOs 1(a), 2(a), 3 (a) and 3(b)) | <ul style="list-style-type: none"> Class Participation |
| CLO2 : Engage in self-led investigation and critical analysis of regulation, litigation and enforcement utilising professional and legal texts to evaluate current debates through an extended research essay. (PLOs 1 (a), 1(b), 2(a), 2(b), 3(a) and 4) | <ul style="list-style-type: none"> Research Essay (6000-8000 words) |

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

| Assessment Item | Weight | Relevant Dates |
|----------------------------------|--------|----------------|
| Research Essay (6000-8000 words) | 80% | |
| Class Participation | 20% | |

Assessment Details

Research Essay (6000-8000 words)

Assessment Overview

Not specified

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CLO2 : Engage in self-led investigation and critical analysis of regulation, litigation and enforcement utilising professional and legal texts to evaluate current debates through an extended research essay. (PLOs 1 (a), 1(b), 2(a), 2(b), 3(a) and 4)

Class Participation

Assessment Overview

Not specified

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CLO1 : Engage in complex critical discussions of how the law and regulator conduct achieve regulatory outcomes. (PLOs 1(a), 2(a), 3 (a) and 3(b))

General Assessment Information

Grading Basis

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

The textbook for this course is Michael Legg, Olivia Dixon and Stephen Speirs, *Corporate Misconduct & White-collar Crime in Australia* (Thomson Reuters, 2022). Available from UNSW Bookshop:

<https://www.bookshop.unsw.edu.au/details.cgi?ITEMNO=9780455245195&11211416>

Digital version:

<https://unswbookshop.vitalsource.com/products/-v9780455245201>

Recommended Resources

Recommended resources will be included on the Course Moodle page.

Staff Details

| Position | Name | Email | Location | Phone | Availability | Equitable Learning Services Contact | Primary Contact |
|----------|--------------|-------|----------|-------|--------------|-------------------------------------|-----------------|
| Convenor | Michael Legg | | | | | 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 Plagiarism

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.

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.