



UNSW Course Outline

LAWS3022 Competition Law - 2024

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General Course Information

Course Code : LAWS3022

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 : Undergraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

This course is an introduction to competition law. It examines Part IV of the *Competition and Consumer Act 2010* (CCA) (formerly the *Trade Practices Act 1974* (Cth)), and the parallel state provisions of the Competition Code.

This course does not address all provisions of the CCA, particularly the Australian Consumer

Law.

Through case analysis it develops the essential economic methodologies for applying the CCA to commercial conduct. A knowledge of commerce or economics is not essential for this course.

Main Topics

- History and objectives of competition law in Australia, including current proposals for amendment
- Economic foundations including concepts of market, market power and competition
- Anti-competitive agreements
- Criminal cartel regulation
- Misuse of market power
- Vertical restrictions
- Mergers
- Enforcement by the Australian Competition and Consumer Commission (ACCC) and remedies available to private litigants

Course Aims

The objectives of the course are to acquaint students with the rationale for competition law, and give them an understanding of key statutory provisions and case law to provide practical understanding of competition law and policy.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Define market, and identify market power and impact on competition in the context of conduct (PLO 1)
CLO2 : Engage in critical analysis of the workings of provisions on purpose, arrangements between competitors, vertical arrangements, misuse of market power and merger regulation (PLO 1)
CLO3 : Demonstrate knowledge of the workings of the prohibitions on criminal cartels (PLO 1)
CLO4 : Demonstrate knowledge of the role of the ACCC and respond to actions by the ACCC or private litigants (PLO 1, 5 & 6)
CLO5 : by participation in class and completion of written examinations develop skills to advise your client on its obligations under the CCA. (PLO 5, 6, 9 & 10)

Course Learning Outcomes	Assessment Item
CLO1 : Define market, and identify market power and impact on competition in the context of conduct (PLO 1)	<ul style="list-style-type: none"> • Class Participation • In-term Take-home Examination • Final Take-home Examination
CLO2 : Engage in critical analysis of the workings of provisions on purpose, arrangements between competitors, vertical arrangements, misuse of market power and merger regulation (PLO 1)	<ul style="list-style-type: none"> • Class Participation • In-term Take-home Examination • Final Take-home Examination
CLO3 : Demonstrate knowledge of the workings of the prohibitions on criminal cartels (PLO 1)	<ul style="list-style-type: none"> • Class Participation • In-term Take-home Examination • Final Take-home Examination
CLO4 : Demonstrate knowledge of the role of the ACCC and respond to actions by the ACCC or private litigants (PLO 1, 5 & 6)	<ul style="list-style-type: none"> • Class Participation • In-term Take-home Examination • Final Take-home Examination
CLO5 : by participation in class and completion of written examinations develop skills to advise your client on its obligations under the CCA. (PLO 5, 6, 9 & 10)	<ul style="list-style-type: none"> • Class Participation • In-term Take-home Examination • Final Take-home Examination

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
In-term Take-home Examination Assessment Format: Individual	40%	
Final Take-home Examination Assessment Format: Individual	40%	

Assessment Details

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

Course Learning Outcomes

- CL01 : Define market, and identify market power and impact on competition in the context of conduct (PLO 1)
- CL02 : Engage in critical analysis of the workings of provisions on purpose, arrangements between competitors, vertical arrangements, misuse of market power and merger regulation (PLO 1)
- CL03 : Demonstrate knowledge of the workings of the prohibitions on criminal cartels (PLO 1)
- CL04 : Demonstrate knowledge of the role of the ACCC and respond to actions by the ACCC or private litigants (PLO 1, 5 & 6)
- CL05 : by participation in class and completion of written examinations develop skills to advise your client on its obligations under the CCA. (PLO 5, 6, 9 & 10)

Detailed Assessment Description

Class attendance is obligatory. Class participation is not maximizable. You are expected to be involved in class discussion and will not pass merely because you attend class. Class participation develops your understanding of the material and your analytical and problem-solving skills. It develops your ability to think critically. It provides you with instant and continuous feedback on your progress. The following factors will be taken into account in assessing class participation:

1. quality of preparation judged by consistency and evidence of reading analysis and

understanding;

2. quality of contribution to discussion judged by relevance of comments, ability to identify issues, analysis and application of relevant law, awareness of ethical values, ability to present a persuasive argument and ability to communicate effectively;

3. attitude to learning and the subject.

Assessment Length

Applicable to every class

Assignment submission Turnitin type

Not Applicable

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](#).

In-term Take-home Examination

Assessment Overview

This assessment requires you to complete a take-home written examination.

Course Learning Outcomes

- CL01 : Define market, and identify market power and impact on competition in the context of conduct (PLO 1)
- CL02 : Engage in critical analysis of the workings of provisions on purpose, arrangements between competitors, vertical arrangements, misuse of market power and merger regulation (PLO 1)
- CL03 : Demonstrate knowledge of the workings of the prohibitions on criminal cartels (PLO 1)
- CL04 : Demonstrate knowledge of the role of the ACCC and respond to actions by the ACCC or private litigants (PLO 1, 5 & 6)
- CL05 : by participation in class and completion of written examinations develop skills to advise your client on its obligations under the CCA. (PLO 5, 6, 9 & 10)

Detailed Assessment Description

The questions within each part are designed to test your understanding of and ability to work with the principles of Competition Law in a realistic situation

Assessment Length

2500 words

Submission notes

Dates set out on Moodle

Assignment submission Turnitin type

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

Generative AI Permission Level

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](#).

Final Take-home Examination

Assessment Overview

This assessment requires you to complete a take-home written examination within the University examination period.

Course Learning Outcomes

- CL01 : Define market, and identify market power and impact on competition in the context of conduct (PLO 1)
- CL02 : Engage in critical analysis of the workings of provisions on purpose, arrangements between competitors, vertical arrangements, misuse of market power and merger regulation (PLO 1)
- CL03 : Demonstrate knowledge of the workings of the prohibitions on criminal cartels (PLO 1)
- CL04 : Demonstrate knowledge of the role of the ACCC and respond to actions by the ACCC or private litigants (PLO 1, 5 & 6)
- CL05 : by participation in class and completion of written examinations develop skills to

advise your client on its obligations under the CCA. (PLO 5, 6, 9 & 10)

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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.

Grading Basis

Standard

Requirements to pass course

Students must have more than 50% of the total available mark for the course as a whole

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Topic	Introduction and other important issues
Week 2 : 16 September - 22 September	Topic	Competition issues; cartels
Week 3 : 23 September - 29 September	Topic	Cartels and other anticompetitive arrangements
Week 4 : 30 September - 6 October	Topic	Misuse of Market Power
Week 5 : 7 October - 13 October	Topic	Misuse of Market Power; Exclusive Dealing
Week 6 : 14 October - 20 October	Other	Flexibility week - no lectures or tutorials
Week 7 : 21 October - 27 October	Topic	Resale price maintenance; Mergers
Week 8 : 28 October - 3 November	Topic	Mergers
Week 9 : 4 November - 10 November	Topic	Authorisations and notifications; Enforcement
Week 10 : 11 November - 17 November	Topic	Enforcement; recap course

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

Reference text is Competition Law Cases and Materials 5th Ed 2024 LexisNexis by Yane Svetiev

Important case and article citations are included in Moodle for each class.

Copy of Competition and Consumer Act 2010, either as annotated book (Miller or Steinwall) or from some other source.

Recommended Resources

Reference text is Corones Competition Law in Australia 8th Ed 2023 LexisNexis by Yane Svetiev

Course Evaluation and Development

Feedback on the Competition Law course has been highly positive. Course content and structure have been modified to address concerns about the amount of course content.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Deborah Healey		Law School	0402097887	Appointment by email	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.

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.