



The University of Southern Queensland

Course specification

Description: Competition Law

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	8116	55206	2, 2006	EXT	1.00	Toowoomba

Academic group:	FOBUS
Academic org:	FOB010
Student contribution band:	3
ASCED code:	090901

STAFFING

Examiner: Mark Byrne
Moderator: Anthony Gray

REQUISITES

Pre-requisite: LAW5503 or an understanding of Australian Legal Principles

SYNOPSIS

This course will be offered in even-numbered years. The purpose of this course is to introduce students predominantly to Part IV of the Trade Practices Act which is usually not considered in undergraduate business courses. The rationale behind the legislation itself will be considered along with the substantive prohibitions and restrictions which impact on various business activities. Some aspects of consumer protection will also be covered along with product liability.

OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item(s) that may be used to assess student achievement of an objective are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. describe the economic background and rationale to the Trade Practices Act (Assignment, Examination)
2. identify the boundaries within which the Act may have application (Assignment, Examination)
3. determine whether any given conduct is in breach of Part IV and specific sections within Parts IV, V and VA (Assignment, Examination)
4. describe the role of the ACCC and the remedies available to any injured party as a result of an identified breach of the Act as well as any possible defences (Assignment, Examination).

TOPICS

	Description	Weighting (%)
1.	Economic Theory of the Trade Practices Act	5.00
2.	Markets and competition	5.00
3.	Restrictive Trade Practices as they may apply to various business practices such as: (i) Misuse of Market Power (ii) Horizontal Restraints (eg Joint Ventures) (iii) Vertical Restraints (eg Franchises)	35.00
4.	The role of the ACCC (including authorisations and notifications)	10.00
5.	Specific Consumer Protection provisions relevant to professional and business transactions such as: (i) Misleading and Deceptive Conduct (ii) Unconscionable Conduct (iii) Part iv B	25.00
6.	Remedies	10.00
7.	Part VA : Products Liability	10.00

TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

Corones, SG 2004, *Competition law in Australia*, 3rd edn, The Law Book Company Limited, Sydney.

Miller, RV 2004, *Miller's annotated Trade Practices Act*, 25th edn, The Law Book Company Limited, Sydney.

REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

CCH Australia Ltd, North Ryde, New South Wales 'Australian trade practices reporter' (Available: CCH Electronic Libraries: USQ Library Databases).

Corones, S & Clarke, P 2002, *Consumer protection and product liability law*, 2nd edn, LBC Information Services, Sydney.

Hurley, A 1995, *Restrictive trade practices - commentary and materials*, 2nd edn, The Law Book Company Limited, Sydney.

STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessment	40.00
Directed Study	50.00
Private Study	75.00

ASSESSMENT DETAILS

Description	Marks out of	Wtg(%)	Due date
ASSIGNMENT	50.00	50.00	06 Oct 2006
2 HOUR EXAMINATION	50.00	50.00	END S2 (see note 1)

NOTES

1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
If you are an international student in Australia you are advised to attend all classes at your campus. Failure to attend may infringe the conditions of your student visa. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:
To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)
- 3 Penalties for late submission of required work:
If students submit assignments after the due date without prior approval then a penalty of 20% of the total marks available for the assignment will apply for each working day late.
- 4 Requirements for student to be awarded a passing grade in the course:
To be assured of receiving a passing grade a student must make a reasonable attempt in all of the weighted assessment items, achieve at least 50% in the examination and at least 50% of the total weighted marks available for the course.
- 5 Method used to combine assessment results to attain final grade:
The final grades for students will be assigned on the basis of the aggregate of the weighted marks obtained for each of the summative assessment items in the course.
- 6 Examination information:
This is an open examination. Candidates may have access to any material during the examination except the following: electronic communication devices (eg mobile phones, pagers), bulky materials, devices requiring mains power and material likely to disturb other students.

- 7 Examination period when Deferred/Supplementary examinations will be held:
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:
Students should read USQ Regulations 5.1 Definitions, 5.6. Assessment, and 5.10 Academic Misconduct for further information and to avoid actions which might contravene University Regulations. These regulations can be found at the URL <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Guide to Policies and Procedures of the Faculty which can be found at the URL <http://www.usq.edu.au/handbook/current/buspolproc.html>.

ASSESSMENT NOTES

- 1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the Examiner. (ii) Students must retain a copy of each assignment submitted for assessment. This must be produced within 24 hours if required by the Examiner. (iii) In accordance with University's Assignment Extension Policy (Regulation 5.6.1), the Examiner may grant an extension of the due date of an assignment in extenuating circumstances. If students submit assignments after the due date and wish to claim extenuating circumstances then they shall provide validated documentary evidence with the assignment, explaining the circumstances. The Examiner shall consider the statement accompanying a late assignment and decide on the outcome. (iv) Assignments are to be submitted in the appropriate assignment folders. (v) The Examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) The Examiner will not accept submission of assignments by facsimile. (vii) In the event that a due date for an assignment falls on a local public holiday in their area, such as a Show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the Examiner's convenience.
- 2 Course weightings: Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.
- 3 Dishonest actions: (i) Any student who is alleged to have performed a dishonest action relating to any assessment in the course will have a course of action taken against him/her as outlined in the Academic Regulations. (ii) Pieces of assessment should be the work of individual students. Joint pieces of assessment are not permitted unless written approval has been obtained from the Examiner. (iii) Dishonest action in relation to assessment includes: copying or attempting to copy the work of others; use of or attempting to use information prohibited from use in that form of assessment; submitting the work of another as your own; consciously committing acts of plagiarism, that is, taking and using another's thoughts or writings as one's own with intent to deceive, which occurs when paragraphs, sentences, a single sentence or significant parts of a sentence which are copied directly, are not enclosed in quotation marks and appropriately footnoted or referenced in the text; direct quotations are not used, but text is paraphrased or summarised, and the source of the material is not acknowledged by footnoting or other reference in the text.

OTHER REQUIREMENTS

- 1 Learning resources: Prescribed texts and materials (see above); recommended reference materials (see above); printed Introductory Book, Study Book/s, and Book/s of Selected Readings; and course Website accessible via USQConnect.
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