

## Competition & Consumer Law

March 2013

### Examiners Comments

Overall, a highly satisfactory outcome.

Almost 2/3rds of the students achieved a total mark of credit or better and the average of those who passed was 69% [inclusive of the assignment mark].

#### Part A

##### **Question 1**

Most students attempted this question requiring notes on 4 out of 8 sub questions and all passed reasonably comfortably. A number of the sub parts to the question attracted full marks. It was apparent that students who attempted this question were able to use the information in the problem questions in Part B.

##### **Question 2**

Attempted by only one student.

#### PART B

##### **Question 1**

This question, on misuse of market power (s 46) was attempted by 45% of students, the majority of whom obtained a credit or better.

##### **Question 2**

This question, on exclusive dealing (s 471, was attempted by 54% of students. The quality of the answers ranged from excellent to poor.

##### **Question 3**

About 1/3rd of the students attempted this question on statutory guarantees. The quality of the answers ranged from satisfactory to poor.

##### **Question 4**

Almost 2/3rds of students attempted this question on product liability. [safety defects" and defences to "defective goods actions"] The quality of the answers was generally very good, with over ½ achieving a credit or better.

## **PART C**

Of the 6 questions in Part C students were required to answer 2.

### **Question 1**

The quality of the answers to this deceptive trade practices question [s 18 & 29 of ACL] was generally good.

### **Question 2**

The question on damages was unpopular and not well answered.

### **Question 3**

This question on injunctions was attempted by about 2/3rds of students. The standard was generally very good.

### **Question 4**

The question on the cartel provisions [Part IV, Division 1 of CCA] was not particularly popular but was well answered.

### **Question 5**

This question on the imposition of penalties for breaches of Part IV, pursuant to 76 of the CCA, was generally well answered.

### **Question 6 of Part C**

About 1/3rd of students attempted the question requiring notes on selective cases. It was well answered.

## **The Assignment**

The standard was generally very satisfactory. It was evident that by achieving a solid mark for the assignment, many students were able to attain an overall mark of credit or better.