With an average total mark of 65%, the results were very pleasing and demonstrate a concerted effort by students to master the subject of Competition and Consumer Law (Competition and Consumer Act and the Australian Consumer Law).

The marks generally reflected the quality of preparation (for the 1st open book exam in this subject), the level of understanding of what was asked in the questions, legal logic/coherence and application of the relevant sections and cases.

Legibility, overall, was of a higher standard than in the recent past.

The one recorded failure was because no questions were answered. The average marks, referred to below, do not include this paper.

PART A

Question 1

Students who attempted this 4-part question on remedies under the CCA, generally did very well.

The average mark was 12.3/20.

Several the sub parts to the question attracted high marks.

Question 2

This question on “markets” (s4E of the CCA), was attempted by almost 2/3rd of the students.

The average mark of 16.9/20 reflected a coherent/logical understanding of what was required to derive a market together with a proper application of the nominated cases.

Question 3

Whilst about ¼ of students attempted this question on limitation periods under the CCA & ACL, the answers were of a good standard.

The average mark of 13.5/20 reflected the standard achieved by all who attempted the question.

Question 4

About 2/3rds of the students attempted this question on the application of the deceptive trade practices provisions of the ACL.

The average mark of 11.1/20 reflected the fact that, in some cases, the answers did not properly address the key threshold issue applicable to the relevant DTP sections.

A misreading of the question, by some, led some to mistakenly apply the product liability provisions.
PART B

Question 5

This question on cartel conduct and ss45 of the CCL was attempted by \( \frac{1}{2} \) of the students.

The average mark of 12/20 reflected a broad range of marks (about \( \frac{1}{3} \) achieved 16/20 or better).

Question 6.

Slightly less than 50% of students attempted this question (based on facts supplied in q 5) on ss46,48 and 50.

The average mark of 11.3/20 reflects the fact that most students archived a basic pass mark because there was a less than comprehensive application of each of the sections.

Question 7

The average mark of 13.3/20 for this question on unconscionability (ss21 & 22), misrepresentation (s29), unfair terms in consumer contracts and harassment (s50), as contained in the ACL, was attempted by more than \( \frac{1}{2} \) of the students.

Generally, it was well answered albeit some students avoided applying all the relevant sections.

Question 8

Of the students (a little over \( \frac{1}{3} \)) who attempted this question on product liability (Statutory guarantees & Parts 3 – 5 of ACL), most recognised and considered the basic issues although some avoided the proper application of the term “consumer” (s3 of ACL), for the purpose of the statutory guarantees.

The basis for bringing an action against a manufacturer whose product contained a safety defect which caused damage was also, too frequently, somewhat unconvincing.

Assignment.

Generally, the assignment marks (average 13.3/20) were very satisfactory.

Students who did well in the assignment often carried this performance into the exam.