

Legal Profession Admission Board

Examiner's Comments

25 Competition and Consumer Law Examination – March 2025

The exam contained three questions.
Candidates were required to answer all three questions.
The questions were not of equal value.

Question 1

This question was worth 50 marks and required analysis of how various types of conduct interact with the *Australian Consumer Law* (“ACL”). There was a particular emphasis on analysis of the compliance of conduct with sections 18, 21, and 29 of the ACL.

Question 2

This question was worth 20 marks and required students to apply Australian doctrine concerning the statutory prohibitions on the misuse of market power and exclusive dealing to a complex but concise set of facts.

Question 3

This question was worth 30 marks and required students to apply Australian doctrine relating to the statutory prohibitions on cartel conduct and anti-competitive agreements, as well as the statutory regulation of acquisitions, to a complex set of facts.

Characteristics of poor or average responses

Poor or average responses were primarily characterised by a failure to analyse a broad range of relevant legal doctrine: rather, those answers focused narrowly on one or two points and, relatedly, did not recognise nuances in the question that caused a degree of legal ambiguity.

Characteristics of very good or excellent responses

Students in this category not only displayed an impressive command of legal principle and relevant statutory tests, but in the pressurised exam environment were able to cover most or all relevant areas of legal ambiguity and contention arising from the facts. Those answers also offered astute analysis and measured conclusions.

Common mistakes

With a relatively small cohort, and one which performed to quite a high standard, it is difficult to identify common mistakes. Students' grasp of legal doctrine was, for the most part, quite strong, as was the ability to apply those rules and principles to the facts provided.

Areas for improvement

As stated, students on average performed very well in the exam — the only common aspect that some students could improve on is, again, ensuring that *all* relevant areas of legal contention are addressed and analysed, as opposed to a narrow focus on one or two issues.