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EDITORIAL

More's the Pity 3

ARTICLES

Online Scams and Spam – Legal Measures to Stem the Rising Tide – *Adrian Coorey*

At present, there is a plethora of online scams and spam in Australia. One expected reason for this is the relatively inexpensive use of the internet which allows online scammers and spammers to connect with ease to unsuspecting users from virtually any location in the world. Online scams and spamming, especially those that are misleading or deceptive, in contravention of *ss 18 and 29 of the Australian Consumer Law*, cost Australians hundreds of millions of dollars every year. The cost is not only a financial one, but also one which adversely affects and/or ruins the lives of thousands of innocent Australian internet users. The purpose of this article is to assist in creating public awareness of the extent of the problems associated with online scams and spam, and to encourage further research and work into these important areas. 5

The Sound of One Hand Shaking Itself: Inchoate Cartel Conduct under the Competition and Consumer Act 2010 – *Brendan Walker-Munro*

It is an ingrained concept of criminal law that a person attempting, conspiring with, counselling or procuring the commission of an offence is liable in the same manner as one who commits the substantive offence. So it is perhaps unsurprising that the cartel offences, introduced into the Commonwealth competition law framework in July 2009, brought about a series of inchoate offences related to or incidental to substantive cartel conduct. But as cartels are characterised by a “meeting of the minds” between the parties to a contract, arrangement or understanding which contains anti-competitive content, where does liability lie in an inchoate offence when only one party is at fault? Put another way, can only one hand shake itself in agreement? The purpose of this article is to highlight some of the challenges created by the legal divergence between substantive and inchoate cartel conduct. 21

Mobile Infrastructure Regulation in Australia: Is Light-Touch Regulation Appropriate? – *Angela Flannery*

The Australian government has been slow to impose regulation in the mobile communications infrastructure market. At the current time, there are three mobile network operators in Australia, each with extensive coverage, with a fourth to enter this market shortly. The Australian Competition and Consumer Commission appears satisfied that there is competition in the retail mobile services market in Australia, with the network

operators, and many other mobile virtual network operators, competing for customers. This article looks at whether light touch regulation in the Australian mobile communications infrastructure market has impeded or enhanced competition.	33
<i>ACCESS TO SERVICES – Editor: John Hedge</i>	
Applying the New Declaration Criteria: How have the Amendments to the Declaration Criteria Changed the Landscape of Regulated Access in Australia? – Jessica Kate Rusten	40
<i>CONSUMER PROTECTION – Editor: Bernard McCabe</i>	
Do Not Mention the Olympics – Bernard McCabe	45
<i>TELECOMMUNICATIONS – Editor: Niloufer Selvadurai</i>	
Part XIB: The Survivor – Holly Raiche	51
<i>CASE NOTES – Editor: Christopher Hodgekiss SC</i>	
Failure to Properly Consider a Party’s Case; You can Bet it will be Appealed: ACCC v Australian Competition Tribunal – Ketki Kotwal	55
An Attempt to Induce a Cartel, or an Example of a Concerted Practice? ACCC v Australian Egg Corp Ltd – Matthew Barry	59
<i>SNAPSHOTS – Editors: Damien O’Brien QC and Douglas Shirrefs</i>	
The Limitations on Compensation Orders – Damien O’Brien QC	67
<i>ENERGY ETCHINGS</i>	
The Australian Energy Regulator: A Year in Review – Paula Conboy	69
<i>REPORT FROM INDIA – Editor: Pravin Anand</i>	
<i>Swati Sharma and Abhilasha Nautiyal</i>	71
<i>REPORT FROM LATIN AMERICA – Editor: Omar Guerrero Rodríguez</i>	
<i>Omar Guerrero Rodríguez and Martín Michaus-Fernández</i>	75