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ARTICLES

“More Than a Feeling”: Finding Statutory Unconscionable Conduct – *Michelle Sharpe*

Finding statutory unconscionable conduct does not depend on finding “moral obloquy”. Nor does it involve personal intuition. Instead, finding statutory unconscionable conduct requires a disciplined evaluation of the impugned conduct against the normative standard enshrined in the Australian Consumer Law. In short, it requires the application of two separate but overlapping steps: identifying the relevant normative standard; and measuring the impugned conduct against that standard. 108

Generalist Versus Specialist Regulatory Models and the Risk of Unintended Deregulation – *Rod Sims*

In an era of deregulation and resource constraints, there is a tension between the merits of a specialist versus a generalist regulatory model. Effective regulation is achieved when specific policy levers are used to address specific priority harms, and only then can the most appropriate regulatory model be determined. However, the choice is not a binary one. Consideration must be given to the current complex policy environment, and the unintended consequences of deregulation. This article postulates that policy-makers should be conscious of the different roles specialist and generalist regulators play in determining the best settings to make markets work for the long-term benefit of consumers. 119

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