



The University of Southern Queensland

Course Specification

Description: Business and Consumer Law

Subject	Cat-Nbr	Class	Term	Mode	Units	Campus
LAW	2104	10125	1, 2002	EXT	1.00	TWMBA

Academic Group:	FOBUS
Academic Org:	FOB010
HECS Band:	3
ASCED Code:	090901

STAFFING

Examiner: Des Taylor
Moderator: Rosalind Mason

PRE-REQUISITES

Pre-requisite: LAW 1101

SYNOPSIS

In the introductory law course students were exposed to basic principles of legal liability. In this course the study of those principles is extended and applied in the context of responsibilities of business to consumers. This course examines statutory and judge made laws affording consumer protection, such as legislation on false and misleading conduct and judicial decisions on unconscionability. Also canvassed are aspects of property law relevant to individuals and small business, such as the classification of property, ownership, residential and commercial leases and transfers of title. This leads into a discussion of insurable interests and managing business liabilities through insurance generally. Aspects of business obligations under the Consumer Credit (Queensland) Act are then considered. Finally, account is taken of the procedures available for debt recovery and consumer bankruptcy.

OBJECTIVES

Completion of this course should enable students to:

- describe and understand the basic principles of law in the specific substantive topics covered;
- identify the legal issues raised by case studies based on these substantive areas;
- apply the relevant principles of law to resolve those issues and propose appropriate legal remedies;
- demonstrate satisfactory skills in statutory interpretation and in communication generally.

TOPICS

Description	Weighting (%)
1. Introduction to Consumer Protection	5.00
2. Statutory Consumer Protection	25.00
3. Common Law Grounds for Consumer Protection	15.00
4. Concepts of Property	20.00
5. Insurance	10.00
6. Consumer Credit	10.00
7. Debt Recovery and Consumer Bankruptcy	15.00

TEXT and MATERIALS required to be PURCHASED or ACCESSED:

Books can be ordered by fax or telephone. For costs and further details use the 'Book Search' facility at <http://bookshop.usq.edu.au> by entering the author or title of the text.

(Latest editions of texts are required.)

Maguire M. *Essential Commercial Legislation Queensland*, LBC Information Services, Pymont, NSW.

Turner, C. *Australian Commercial Law*, LBC Information Services, Sydney.

REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

Specific Topics:

(Students should use latest editions of recommended references)

Bradbrook, A., MacCallum, S. & Moore, A. *Australian Real Property Law*, LBC Information Services, North Ryde, NSW.

Duncan, W. & Willmot, L. *Real and Personal Securities*, Federation Press, Leichardt, NSW.

Goldring, J., Maher, L. & McKeough, J. *Consumer Protection Law*, Federation Press, Sydney.

Healey, D. *Australian Trade Practices Law*, CCH Australia Limited, Sydney.

Key, A. *Bankruptcy Proceedings Handbook*, John Libbey and Company, Sydney, NSW.

Latimer, P. *Australian Business Law*, CCH Australia, North Ryde, NSW.

Lockhart, C. (ed) *Misleading or Deceptive Conduct: Issues and Trends*, Federation Press, Leichardt, NSW.

Morgan, J. *The Insurance Contracts Act 1984*, Longman Professional, Melbourne.

Peden, J. *Teaching Materials and Cases on Commercial Transactions*, Butterworths, Sydney.

Pentony, B. et al *Understanding Business Law*, Butterworths, Sydney.

Rose, D. *Lewis' Australian Bankruptcy Law*, LBC Information Services, North Ryde, NSW.

Sutton, K. *Insurance Law in Australia*, Law Book Company, North Ryde, NSW.

Sutton, K. *Sales and Consumer Law*, LBC Information Services, North Ryde, NSW.

Sykes, E. & Walker, S. *The Law of Securities*, Law Book Company, North Ryde, NSW.

Tarr, A. Liew, K. & Holligan, W. *Australian Insurance Law*, Law Book Company, Sydney.

Tomasic, R. & Whitford, B. *Australian Insolvency and Bankruptcy Law*, Butterworths, Sydney.

Vermeesch, R.B. & Lindgren, K.E. *Business Law of Australia*, Butterworths, Sydney.

STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessment	20
Directed Study	52
Private Study	93

ASSESSMENT DETAILS

Description	Marks Out of	Wtg(%)	Required	Due Date
ASSIGNMENT	30.00	30.00	Y	04 Mar 2002
EXAM PART A (MULTI-CHOICE)	20.00	20.00	Y	END S1 (see note 2)
EXAM PARTS B & C (THEORY)	50.00	50.00	Y	END S1

NOTES:

- Students will be advised of the official examination date for Exam (Parts A, B and C) after the timetable has been finalised. The total working time for Exam (Parts A, B and C) is 3 hours.

OTHER REQUIREMENTS

- To be assured of achieving a passing grade in this course, students must attempt all of the assessments, achieve 50% in the examination and 50% of the available marks for the course. Final grades for the course will be determined by the addition of the marks obtained in each assessment item, weighted as in the Assessment Details and by considering the student's level of achievement of the objectives of the course.
- Students must retain a copy of all pieces of assessment which must be produced if/when required by the lecturer.
- LATE ASSIGNMENTS (i) All assessments submitted after the due date (and not approved for extension) in accordance with university policy will be penalised 20% per working day. (ii) If students submit assignments after the due date and

wish to claim extenuating circumstances then they shall provide validated documentary evidence with the assignment, explaining the circumstances. (iii) The course examiner shall consider the statement accompanying a late assignment and decide on the outcome.

4 Assignments not submitted in the appropriate assignment folders will be deemed as not being received.

5 **DISHONEST ACTIONS** (i) Any student who is alleged to having performed a dishonest action relating to any assessment in the course will have a course of action taken against him/her as outlined in the Academic Regulations. (ii) Pieces of assessment should be the work of individual students. Joint pieces of assessment are not permitted unless written approval has been obtained from the course leader. (iii) Dishonest action in relation to assessment includes: - copying or attempting to copy the work of others; - use of or attempting to use information prohibited from use in that form of assessment; - submitting the work of another as your own; - consciously committing acts of plagiarism, ie taking and using another's thoughts or writings as one's own with intent to deceive, which occurs when paragraphs, sentences, a single sentence or significant parts of a sentence which are copied directly, are not enclosed in quotation marks and appropriately footnoted or referenced in the text; direct quotations are not used, but text is paraphrased or summarised, and the source of the material is not acknowledged by footnoting or other reference in the text.

6 **DEFERRED EXAMINATIONS** (i) Deferred examinations will be granted at the Dean's discretion based on non-attendance for medical, compassionate or employment-related reasons having regard to item 1. If a deferred examination is granted students shall sit the deferred examination in the next semester examination period. If, for whatever reason, this deferred examination is not taken then the student will be graded 'F'. (ii) To be eligible for consideration for a deferred examination, students must have submitted a genuine attempt at all mandatory assessment items. (iii) Deferral of an examination CANNOT be granted on an existing deferral in that course. (iv) Requests must be in writing to the Faculty Operations Manager clearly stating student name, student number, current address, course alpha-numeric identifier and name for the examination not attended. (v) Requests MUST BE supported by original or suitably authenticated documentation. (vi) Requests and documentation must be submitted to the Faculty Operations Manager within ten (10) calendar days of the missed examination date. (vii) Requests based on medical reasons must be supported by medical evidence on the appropriate University of Southern Queensland medical certificate or doctor's certificate. A medical certificate must be dated with the same date as the period of illness for which the absence from examination is being sought and clearly indicate the student's name and, if possible, student number (retrospective medical certificates will not be accepted for either assignment work or examinations). Only original or authenticated medical certificates will be accepted. A student's medical condition must be stated clearly (IN ENGLISH). (Certificates stating a student has a 'medical condition' may not be sufficient grounds for deferment of examination). Medical evidence must cover the student for the day(s) of the missed examination(s). (viii) Requests based on family/personal reasons must be supported by a clear statement (IN ENGLISH) from a medical practitioner, counsellor or independent

member of the community. (ix) Requests based on employment-related reasons must be supported by a clear statement (IN ENGLISH) from the student's employer. (x) Students who have a medical condition or genuine compassionate or employment-related problems on the day of the examination are advised to obtain the relevant documentary evidence and NOT attempt the examination. If a student makes an attempt at the examination, the assessment item will be marked and a grade awarded. In these cases, a student cannot, after receiving a `fail' grade, request a deferred examination or special consideration. (xi) Students who have been granted deferred examinations will not be granted a waiver of prerequisites, without the permission of the Heads of Department, in subsequent semesters (if they do not have a passing grade).

- 7 Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.
 - 8 Mechanised erasers, mobile telephones and other electronic media are not permitted in exam venues.
 - 9 The examination will be restricted. Students may bring into the examination: Maguire M., `Essential Commercial Legislation', Law Book Company. The above must not be flagged and must be unmarked (except for a notation of the student's name and student number, and underlining and highlighting upon the pages).
 - 10 Any copy taken into the examination and found to be marked in a manner inconsistent with that set out in the preceding paragraph **WILL BE CONFISCATED IMMEDIATELY** and the student dealt with in accordance with Item 5 hereof.
-