



The University of Southern Queensland

Course Specification

Description: Business and Consumer Law

Subject	Cat-Nbr	Class	Term	Mode	Units	Campus
LAW	2104	21240	1, 2003	ONC	1.00	WIBAY

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

STAFFING

Examiner: Anthony Gray

Moderator: Des Taylor

PRE-REQUISITES

Pre-requisite: LAW1101

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.

LAW2104 study package available from the USQ Bookshop.

Maguire, M *Essential commercial legislation Queensland*, Lawbook Company, Sydney.

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.

Students should use latest editions of recommended references.

Bradbrook, A, MacCallum, S & Moore, A *Australian real property law*, LBC Information Services, North Ryde, New South Wales.

Duncan, W & Willmot, L *Real and personal securities*, Federation Press, Leichardt, New South Wales.

Goldring, J, Maher, L & McKeough, J *Consumer protection law*, Butterworths, Sydney.

Keay, A *Bankruptcy proceedings handbook*, John Libbey and Company, Sydney, New South Wales.

Latimer, P *Australian business law*, CCH Australia, North Ryde, New South Wales.

Lockhart, C (ed) *Misleading or deceptive conduct: Issues and trends*, Federation Press, Leichardt, New South Wales.

Peden, J *Teaching materials and cases on commercial transactions*, Butterworths, Sydney.

Pentony, B, Graw, S, Lennard, J & Parker, D *Understanding business law*, Butterworths, Sydney.

Rose, D *Lewis' Australian bankruptcy law*, LBC Information Services, North Ryde, New South Wales.

Sutton, K *Insurance law in Australia*, Law Book Company, North Ryde, New South Wales.

Sutton, K *Sales and consumer law*, LBC Information Services, North Ryde, New South Wales.

Sykes, E & Walker, S *The law of securities*, Law Book Company, North Ryde, New South Wales.

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, RB & Lindgren, KE *Business law of Australia*, Butterworths, Sydney.

STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessment	20
Lectures	26
Private Study	93
Tutorial	26

ASSESSMENT DETAILS

Description	Marks Out of	Wtg(%)	Required	Due Date
ASSIGNMENT	30.00	30.00	Y	28 Apr 2003
PART A (MULTI CHOICE) EXAM	20.00	20.00	Y	END S1 (see note)
PART B & C (THEORY) EXAM	50.00	50.00	Y	END S1

NOTES:

- The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date for Exam (Parts A, B & C) after the timetable has been finalised. The total working time for Exam (Parts A, B & C) is 3 hours.

IMPORTANT ASSESSMENT INFORMATION

- Attendance requirements:
It is the students' responsibility to attend and participate appropriately in all activities (such as lectures and tutorials) scheduled for them, and to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration. If you are an International student in Australia it is a requirement of your student visa that you attend all classes at your campus.
- Requirements for students to complete each assessment item satisfactorily:

Students must submit assignments that represent a reasonable attempt as determined by the Examiner. Students must obtain at least 50% of the marks available for the examination.

- 3 Penalties for late submission of required work:
If students submit assignments after the due date without prior approval then a penalty of 20% of the total marks available for the assignment will apply for each working day late.
- 4 Requirements for student to be awarded a passing grade in the course:
To be assured of receiving a passing grade a student must attempt all of the summative assessment items, achieve at least 50% in the examination and achieve an aggregated mark of at least 50% in the total marks allocated for the course.
- 5 Method used to combine assessment results to attain final grade:
The final grades for students will be assigned on the basis of the weighted aggregate of the marks (or grades) obtained for each of the summative assessment items in the course.
- 6 Examination information:
This is a restricted examination. Candidates are allowed access to specific materials during the examination. The only materials that candidates may use in the restricted examination for this course are: writing materials (non-electronic and free from material which could give the student an unfair advantage in the examination); Maguire, M 'Essential commercial legislation', Law Book Company (This text 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. Any copy taken into the examination and found to be marked in a manner inconsistent with that set out above will be confiscated immediately and dealt with in accordance with USQ regulations).
- 7 Examination period when Deferred/Supplementary examinations will be held:
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:
Students should read USQ Regulations 5.1 Definitions, 5.6 Assessment, and 5.10 Academic Misconduct for further information and to avoid actions which might contravene University Regulations. These regulations can be found at the URL: <http://www.usq.edu.au/SECARIAT/calendar/Part5/> or in the printed version of the current USQ Handbook. Students should also read The Guide to Policies and Procedures of the Faculty which can be found at the URL: <http://www.usq.edu.au/handbook/2003/business/polproc/index.htm> or in the printed version of the current USQ Handbook.

ASSESSMENT NOTES

- 1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the Examiner. (ii) Students must retain a copy of each item submitted for assessment. This must be produced within 24 hours if required by the Examiner. (iii) In accordance with University's Assignment Extension Policy (Regulation 5.6.1), the Examiner may grant an extension of the

due date of an assignment in extenuating circumstances. 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. The Examiner shall consider the statement accompanying a late assignment and decide on the outcome. (iv) Assignments are to be submitted with the appropriate assignment cover.

- 2 Course Weightings: 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.

OTHER REQUIREMENTS

- 1 Dishonest Actions: (i) Any student who is alleged to have 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 Examiner. (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.
- 2 Deferred Examinations: (i) Deferred examinations will be granted based on non-attendance for medical reasons, family/personal reasons, or employment-related reasons. Deferred examinations must be recommended by the Faculty Assessment Coordinator and approved by the Examiner or Moderator or Dean's Nominee. 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 Assessment Coordinator 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 Assessment Coordinator 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 Head of Department, in subsequent semesters (if they do not have a passing grade).
