



The University of Southern Queensland

Course specification

| Description: Business and Consumer Law | | | | | | |
|---|---------|-------|---------|------|-------|----------|
| Subject | Cat-nbr | Class | Term | Mode | Units | Campus |
| LAW | 2104 | 41242 | 1, 2005 | ONC | 1.00 | Wide Bay |

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|-----------------------------------|--------|
| Academic group: | FOBUS |
| Academic org: | FOB010 |
| Student contribution band: | 3 |
| ASCED code: | 090901 |

STAFFING

Examiner: Anthony Gray

Moderator: Des Taylor

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 consumer credit and cheque regulation are then considered. Finally, account is taken of the procedures available for debt recovery and consumer bankruptcy.

OBJECTIVES

On completion of this course students will be able to:

1. describe and understand the basic principles of law in the specific substantive topics covered;
2. identify the legal issues raised by case studies based on these substantive areas;
3. apply the relevant principles of law to resolve legal issues and propose appropriate legal remedies; and
4. demonstrate satisfactory skills in statutory interpretation, legal research 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 | 15.00 |
| 7. | Cheques | 10.00 |

TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

Latest editions of texts are required.

LAW2104 study package available from the USQ Bookshop.

Maguire, M *Essential commercial legislation Queensland*, Law Book Company, Sydney.

Turner, C *Australian commercial law*, Law Book Company, 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.

Miller's Annotated Trades Practices Act, 1974

Bradbrook, A, MacCallum, S & Moore, A *Australian real property law*, Law Book Company, Pymont, New South Wales.

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

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

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

Lockhart, C (ed) *Misleading or deceptive conduct: Issues and trends*, Federation Press, Leichhardt, 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.

Sutton, K *Insurance law in Australia*, LBC Information Services, Sydney.

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.

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

STUDENT WORKLOAD REQUIREMENTS

| ACTIVITY | HOURS |
|---------------|-------|
| Assessment | 20.00 |
| Lectures | 26.00 |
| Private Study | 93.00 |
| Tutorials | 26.00 |

ASSESSMENT DETAILS

| Description | Marks out of | Wtg(%) | Due date |
|-----------------------|--------------|--------|------------------------|
| ASSIGNMENT | 30.00 | 30.00 | 06 May 2005 |
| EXAM A (MULTI-CHOICE) | 20.00 | 20.00 | END S1 (see note 1) |
| EXAM B & C (THEORY) | 50.00 | 50.00 | END S1 |

NOTES

1. 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 A, B and C after the timetable has been finalised. The total working time for Exam A, B and C is 3 hours.

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) 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 you are advised to attend all classes at your campus. Failure to attend may infringe the conditions of your student visa.
- 2 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 an open examination. Candidates may have access to any material during the examination except the following: electronic communication devices (eg mobile telephones, pagers), bulky materials, devices requiring mains power and material likely to disturb other students.
- 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/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Guide to Policies and Procedures of the Faculty which can be found at the URL <http://www.usq.edu.au/handbook/current/buspolproc.html>.

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).
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