



The University of Southern Queensland

Course specification

The current and official versions of the course specifications are available on the web at <http://www.usq.edu.au/coursespecification/current>.
Please consult the web for updates that may occur during the year.

Description: Business and Consumer Law

| Subject | Cat-nbr | Class | Term | Mode | Units | Campus |
|---------|---------|-------|---------|------|-------|-----------|
| LAW | 2104 | 86081 | 1, 2009 | EXT | 1.00 | Toowoomba |

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

STAFFING

Examiner: Mark Byrne

REQUISITES

Pre-requisite: LAW1101

OTHER REQUISITES

Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.htm>.

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, and workplace issues. 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

The course objectives define the student learning outcomes for a course. The assessment item/s that may be used to assess student achievement of an objective is/are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. describe and understand the basic principles of law in the specific substantive topics covered (Assignment, Examination)

2. identify the legal issues raised by case studies based on these substantive areas (Assignment, Examination)
3. apply the relevant principles of law to resolve legal issues and propose appropriate legal remedies (Assignment, Examination)
4. demonstrate satisfactory skills in statutory interpretation, legal research and in communication generally (Assignment, Examination).

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. | Finance law - consumer credit and cheques | 20.00 |
| 7. | Workplace issues | 5.00 |

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).

Gibson, A & Fraser, D 2008, *Business law*, 4th edn, Pearson Education, Frenchs Forest, New South Wales.

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 (2006).

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

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

Pentony, B, Graw, S, Lennard, J & Parker, D *Understanding business law*, LexisNexis Butterworths, Chatswood, New South Wales.

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

Vermeesch, RB & Lindgren, KE *Business law of Australia*, Lexis/Nexis Butterworths, Chatswood, New South Wales.

STUDENT WORKLOAD REQUIREMENTS

| ACTIVITY | HOURS |
|----------------|-------|
| Assessments | 20.00 |
| Directed Study | 52.00 |
| Private Study | 93.00 |

ASSESSMENT DETAILS

| Description | Marks out of | Wtg (%) | Due date |
|----------------------------|--------------|---------|------------------------|
| ASSIGNMENT | 40.00 | 40.00 | 01 May 2009 |
| EXAM PART A (MULTI-CHOICE) | 20.00 | 20.00 | END S1 (see note 1) |
| EXAM PARTS B & C (THEORY) | 40.00 | 40.00 | END S1 |

NOTES

1. 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 2 hours.

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
If you are an international student in Australia, you are advised to attend all classes at your campus. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility 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.
- 2 Requirements for students to complete each assessment item satisfactorily:
To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)

- 3 Penalties for late submission of required work:
If students submit assignments after the due date without prior approval of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.
- 4 Requirements for student to be awarded a passing grade in the course:
To be assured of receiving a passing grade a student must achieve at least 50% of the total weighted marks available 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 aggregate of the weighted marks obtained for each of the summative assessment items in the course.
- 6 Examination information:
This will be an open examination. Candidates may have access to any printed or written material and a calculator during the examination. In line with regulation 5.6.4.2 'Use of Electronic Devices during Examinations', laptop and notebook computers are not permitted.
- 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 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Policies and Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

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 policy, the examiner may grant an extension of the due date of an assignment in extenuating circumstances. (iv) Assignments are to be submitted in the appropriate assignment folders.
- 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.
- 3 Deferred work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment or to sit for an examination at the scheduled time may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. One of the following temporary grades may be awarded: IDS (Incomplete - Deferred Examination); IDM (Incomplete Deferred Make-up); IDB (Incomplete - Both Deferred Examination and Deferred Make-up).

OTHER REQUIREMENTS

- 1 Computer, e-mail and Internet access: Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of

computer requirements can be found at
<<http://www.usq.edu.au/ict/students/standards/default.htm>>.

- 2 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, that is, 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.
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