

SCHOOL OF ACCOUNTING & COMMERCIAL LAW

Telephone 463 5383, Facsimile 495 5076. E-mail: sacl@vuw.ac.nz

COML 301 LAW OF SPECIAL CONTRACTS

Trimester Two 2006

COURSE OUTLINE

Contact Details

<i>Course Coordinator/Lecturer</i>	Mr Palitha De Silva	RH 611	Phone: 463 6960
	Email:		palitha.desilva@vuw.ac.nz
	Office Hours:		To be announced
<i>Lecturer</i>	Mr Alan Cameron	RH 604	Phone: 463 5785
	Email:		alan.cameron@vuw.ac.nz
	Office Hours:		To be announced
<i>Administrative</i>	Ms Chloe Thompson	RH 708	Phone: 463 5383
	Email:		chloe.thompson@vuw.ac.nz
	Office Hours:		Monday – Friday, 8.30am-5pm

The administrative course coordinator should be contacted for assistance in relation to tutorial attendance, collection of outstanding assignments and other inquiries of an administrative nature.

Course Objectives

This course introduces students to a range of specialised commercial contracts relevant to business. It includes contracts for the sale of goods, banking, agency, guarantees, personal property securities, credit contracts and insurance. Other related topics covered include commercial dispute resolution, fair trading and personal insolvency.

Students successfully completing this course would be expected to:

- (a) understand the implications of the relevant common law and statutory law on the special contracts covered in the course. This should include some understanding of how individual transactions are linked to achieve commercial objectives;
- (b) have a general understanding of the solutions to practical problems arising within the special contracts covered and within analogous transactions;

- (c) be able to apply the law to similar or analogous situations and have an awareness of the limitations of the law and need for possible reforms;
- (d) have demonstrated an ability to conduct independent research.

Class Times and Room Numbers

Monday, Thursday, Friday 12.40-13.30 RH LT 1

Course Content

Please refer to page 5.

Primary Reading Materials

1. COML 301 Course Materials (2006)- two volumes available from Student Notes.
2. Cynthia Hawes, Butterworths Commercial Law in New Zealand, LexisNexis, Academic Edition 2005.

Research Materials

The Law Library, located in the Old Government Building, contains various resources that should be used in this course. These include various law reports, periodicals and texts. The Law Library may be particularly useful for completing the essays. Library staff will assist with reasonable research requests however students should be prepared to find most of the materials they need without assistance.

Be aware that the Law Library is mainly a reference library only and will not allow many books to be removed from the premises. Photocopying cards may be purchased.

Note: Familiarisation tours of the Law Library will be available early in the trimester.

There is no charge for class handouts, and spare copies of these will be placed in the COML 301 box on the sixth floor of Rutherford House Building. They will also be placed on Blackboard.

Course Materials Book

The course materials book (two volumes) should be purchased from Students Notes.

Tutorials

Attendance at all five tutorials is required for terms.

Tutorial sign-up will be via **Blackboard** at **Course COML 301** and should be done during the first week of term. The instructions for signing up are attached as page 6 of this Course Outline and will also be posted on the Announcements section of **Course COML 301** on Blackboard.

The completed tutorial lists will be posted on **Blackboard**.

Essay

Essay is due by 4 pm on Friday 18 August.

They are to be placed in **box** marked COML 301 on the Mezzanine Floor, Rutherford House Building.

Extensions to the due date for the essay will only be granted in exceptional cases. In the case of illness, a doctor's certificate should be submitted. In the case of foreseeable events application for an extension will be expected well before the due date. Late essays (excluding authorised extensions) will be penalised.

Assessment Requirements

Assessment 1: A 2000-Word Essay (the question for the Essay will be given by the lecturer) (Due 18 August) - 20%

Assessment 2: Terms Test (2 October) - 20%

Assessment 3: A Three-Hour Final Examination (time & venue TBA) - 60%

There is no restriction on material that may be brought in to the Terms Test and Final Examination. They are both open book.

Mandatory Course Requirements

The minimum course requirements which you must satisfy in order to earn **TERMS** (the right to sit the final examination or to be assessed for a final grade) are:

1. The completion of the ESSAY to a satisfactory standard.
2. The completion of the TERMS TEST to a satisfactory standard.
3. Attendance at ALL FIVE TUTORIALS and satisfactory participation in the discussion.

Terms requirements are set out in the 2006 Calendar. In order to secure a pass in COML 301 students will be required to obtain a mark of **40% or better in the Final Examination**, in addition to the overall requirement of **50% of the Total marks** from all three of the Assessments combined.

Overall grades are awarded as follows

A+	85% and over
A	80-84%
A-	75-79%
B+	70-74%
B	65-69%
B-	60-64%
C+	55-59%
<u>C</u>	<u>50-54%</u>
D	40-49%} Fail
E	Below 40%}

To obtain a grade in the “A” or higher “B” range a student will be expected to have read relevant articles and cases beyond the indicated essential reading and to demonstrate an ability to bring an advanced level of analytical and critical skills to bear on the questions raised.

The **Essay** aims to develop students’ research skills and deepen knowledge in a selected area of law. It requires the undertaking of independent personal research and provides scope for demonstrating original analysis as well as technical legal skills.

The **Terms Test** and **Final Examination** aim to assess the students’ overall understanding of the basic concepts, principles and rules of the selected examinable topics lectured in class and their application to fact situations. More details will be provided nearer to the date of the exams.

The **Tutorial Programme** covers topics, which are related to, and approximately in sequence with, the lecture programme. The questions in the Terms Test will be from the issues covered in the Tutorial Programme. Each tutorial involves one or two exercises comprising problems and/or analysis of one or more readings.

Objectives:

1. Deepening and expansion of knowledge of the subject area;
2. Development of analytical and problem-solving skills through case problem exercises;
3. Development of oral skills through class presentations;
4. Development of cooperative group learning.

The attention of all students is drawn to the Terms Regulations set out in the University Calendar. Please note that terms will be awarded on the last lecture day.

Communication of Additional Information

Additional information concerning this course will be posted on Blackboard. The Course Co-ordinator and Lecturers will use Blackboard as the only platform to place information relevant to the conducting of COML 301. Copies of all handouts distributed by lecturers in class will also be placed on Blackboard. Students are encouraged to visit Blackboard regularly throughout the course to access any announcements posted that are relevant to the conducting of the course.

Material such as copies of the course outline, tutorials etc will be placed on Blackboard.

Course Programme 2006

Lecturer	Week	Week begins	Lecture Topic	Due Dates	Tutorial
Palitha De Silva	1	10 July	Introduction: General Contract principles		
Alan Cameron	2	17 July	Contracts for Sale of Goods	First Tutorial handed out on Monday 17 July	
Alan Cameron	3	24 July	Sale of Goods	Essay Question handed out on Monday 24 July	First Tutorial: General Contract principles
Palitha De Silva	4	31 July	Banking Contracts	Second Tutorial handed out on Monday 31 July	
Palitha De Silva	5	7 Aug	Banking Contracts		Second Tutorial: Sale of Goods
Palitha De Silva	6	14 Aug	Contracts of Guarantee	Essay due Friday 18 August by 4 p.m.; Third Tutorial handed out on Monday 14 August	
Palitha De Silva	7	4 Sep	Agency Contracts		Third Tutorial: Banking Law
Alan Cameron	8	11 Sept	Insurance Contracts	Fourth Tutorial handed out Monday 11 September	
Alan Cameron	9	18 Sept	Credit Contracts		Fourth Tutorial: Guarantee Contracts and Agency
Alan Cameron	10	25 Sept	Personal Property Securities	Fifth Tutorial handed out Monday 25 September	
Alan Cameron	11	2 Oct	Commerce Act 1986/Personal Insolvency	TERMS TEST: MONDAY 2 OCTOBER	
Palitha De Silva	12	9 Oct	Fair Trading and Dispute Resolution; Conclusion		Fifth Tutorial: Credit Contracts, Insurance and Personal Property Securities

Tutorial Sign-up

To sign up for COML 301 tutorials you need to follow the instructions below. Please note that the [Blackboard](#) login procedure has changed. To login to [Blackboard](#) you must use your Victoria University student domain (SCS) user name and password.

1. To sign up select the '**Discussion Board**' button on the left hand side of the screen.
2. Click on '**Tutorial Sign-up**', which will open a list of tutorial times. Click on the tutorial time of your choice. To register your name for this tutorial you must then click on the '**Reply**' button at the bottom of the page.
3. Place an 'x' in the **message** box which is below **subject** and click on '**submit**' at the bottom of the page. You have now registered for this tutorial. Your name should appear under the tutorial of your choice. **Please remember only 15 students per tutorial are accepted.** Count the number of names under the tutorial to ensure that there are no more than **15** names.
4. If you need to change your tutorial group, please **remove** your name from the first tutorial you signed up for. To do this, follow steps 1-3. Select '**Tutorial Sign-up**' and double click on the tutorial time beside your name. Click the '**remove**' button, followed by **OK**. You can now choose a different tutorial time by following steps 3 and 4.
5. Any student who signs up more than **once** may either be placed into their last requested tutorial or they may have their name deleted from all multiple sign ups.
6. Any student who has signed up **after** a tutorial group has been filled will be placed into the next available tutorial group according to availability.

General University Policies and Statutes

Students should familiarise themselves with the University's policies and statutes, particularly those regarding assessment and course of study requirements, and formal academic grievance procedures.

If you do not use your student email address as your normal email, it is your responsibility to ensure email sent to your student address is forwarded to your usual account.

Your SCS email can be forwarded to any other email account. This is done within the SCS email system by choosing OPTIONS and the GENERAL. Put the new address in the “forward all mail to the following address” field.

Faculty of Commerce and Administration Offices

Railway West Wing (RWW) - FCA Student and Academic Services Office

The Faculty's Student and Academic Services Office is located on the ground and first floors of the Railway West Wing. The ground floor counter is the first point of contact for general enquiries and FCA forms. Student Administration Advisers are available to discuss course status and give further advice about FCA qualifications. To check for opening hours call the Student and Academic Services Office on (04) 463 5376.

Easterfield (EA) - FCA/Education/Law Kelburn Office

The Kelburn Campus Office for the Faculties of Commerce and Administration, Education and Law is situated in the Easterfield Building - it includes the ground floor reception desk (EA005) and offices 125a to 131 (Level 1). The office is available for the following:

- Duty tutors for student contact and advice.
- Information concerning administrative and academic matters.
- Forms for FCA Student and Academic Services (e.g. application for academic transcripts, requests for degree audit, COP requests).
- Examinations-related information during the examination period.

To check for opening hours call the Student and Academic Services Office on (04) 463 5376.

General University Policies and Statutes

Students should familiarise themselves with the University's policies and statutes, particularly the Assessment Statute, the Personal Courses of Study Statute, the Statute on Student Conduct and any statutes relating to the particular qualifications being studied; see the Victoria University Calendar available in hard copy or under ‘About Victoria’ on the VUW home page at www.vuw.ac.nz.

Student and Staff Conduct

The Statute on Student Conduct together with the Policy on Staff Conduct ensure that members of the University community are able to work, learn, study and participate in the academic and social aspects of the University's life in an atmosphere of safety and respect. The Statute on Student Conduct contains information on what conduct is prohibited and what steps are to be taken if there is a complaint. For information about complaint procedures under the Statute on Student Conduct, contact the Facilitator and Disputes Advisor or refer to the statute on the VUW policy website at www.vuw.ac.nz/policy/studentconduct. The Policy on Staff Conduct can be found on the VUW website at www.vuw.ac.nz/policy/staffconduct.

Academic Grievances

If you have any academic problems with your course you should talk to the tutor or lecturer concerned; class representatives may be able to help you in this. If you are not satisfied with the result of that meeting, see the Head of School or the relevant Associate Dean; VUWSA Education Coordinators are available to assist in this process. If, after trying the above channels, you are still unsatisfied, formal grievance procedures can be invoked. These are set out in the Academic Grievances Policy which is published on the VUW website at www.vuw.ac.nz/policy/academicgrievances.

Academic Integrity and Plagiarism

Academic integrity is about honesty – put simply it means **no cheating**. All members of the University community are responsible for upholding academic integrity, which means staff and students are expected to behave honestly, fairly and with respect for others at all times.

Plagiarism is a form of cheating which undermines academic integrity. The University defines plagiarism as follows:

The presentation of the work of another person or other persons as if it were one's own, whether intended or not. This includes published or unpublished work, material on the Internet and the work of other student or staff.

It is still plagiarism even if you re-structure the material or present it in your own style or words.

Note: It is however, perfectly acceptable to include the work of others as long as that is acknowledged by appropriate referencing.

Plagiarism is prohibited at Victoria and is not worth the risk. Any enrolled student found guilty of plagiarism will be subject to disciplinary procedures under the Statute on Student Conduct and may be penalised severely. Consequences of being found guilty of plagiarism can include:

- an oral or written warning
- cancellation of your mark for an assessment or a fail grade for the course
- suspension from the course or the University.

Find out more about plagiarism, and how to avoid it, on the University's website at www.vuw.ac.nz/home/studying/plagiarism.html.

Students with Impairments

The University has a policy of reasonable accommodation of the needs of students with disabilities. The policy aims to give students with disabilities the same opportunity as other students to demonstrate their abilities. If you have a disability, impairment or chronic medical condition (temporary, permanent or recurring) that may impact on your ability to participate, learn and/or achieve in lectures and tutorials or in meeting the course requirements, please contact the Course Coordinator as early in the course as possible. Alternatively you may wish to approach a Student Adviser from Disability Support Services (DSS) to discuss your individual needs and the available options and support on a confidential basis. DSS are located on Level 1, Robert Stout Building, telephone (04) 463

6070, email disability@vuw.ac.nz. The name of your School's Disability Liaison Person is in the relevant prospectus or can be obtained from the School Office or DSS.

Student Support

Staff at Victoria want students to have positive learning experiences at the University. Each Faculty has a designated staff member who can either help you directly if your academic progress is causing you concern, or quickly put you in contact with someone who can. Assistance for specific groups is also available from the Kaiwawao Māori, Manaaki Pihipihinga or Victoria International.

In addition, the Student Services Group (email student-services@vuw.ac.nz) is available to provide a variety of support and services. Find out more at www.vuw.ac.nz/st_services/.

VUWSA employs Education Coordinators who deal with academic problems and provide support, advice and advocacy services, as well as organising class representatives and Faculty delegates. The Education Office (tel. 04 463 6983 or 04 463 6984, email education@vuwsa.org.nz) is located on the ground floor, Student Union Building.

Manaaki Pihipihinga - Maori and Pacific Mentoring Programme (Faculty of Commerce and Administration)

This is a mentoring service for Maori and Pacific students studying at all levels. Weekly one hour sessions are held at the Kelburn and Pipitea Campuses in the Mentoring Rooms, 14 Kelburn Parade, and Room 210 and 211, Level 2, Railway West Wing. Sessions cover drafting and discussing assignments, essay writing, and any questions that may arise from tutorials and/or lectures. A computer suite networked to Cyber Commons is available for student use.

To register with Manaaki Pihipihinga, please contact one of the following:

Puawai Wereta
Room 210, Level 2
Railway West Wing
Tel. (04) 463 8997
Email: Puawai.Wereta@vuw.ac.nz

Fa'afai Seiuli
Room 109 B
14 Kelburn Parade
Tel. (04) 463 5842
Email: Faafoi.Seiuli@vuw.ac.nz