

SCHOOL OF ACCOUNTING & COMMERCIAL LAW

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COML 301 LAW OF SPECIAL CONTRACTS

Trimester Two 2007

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 Marina Dobrovolskaya	RH 708	Phone: 463 5775
	Email:		marina.dobrovolskaya@vuw.ac.nz
	Office Hours:		Monday – Friday, 8.30am-5pm

Ms Marina Dobrovolskaya 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 an introduction to general contract principles, 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 competition law.

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

Tuesday, Thursday, Friday 13.40-14.30 RH LT 1

Course Content

Please refer to page 5.

Primary Reading Materials

1. COML 301 Course Materials (2007) - two volumes available from Student Notes.
2. Cynthia Hawes, Butterworths Commercial Law in New Zealand, LexisNexis, Academic Edition 2005.
3. CCH or Brookers legislation handbook (or have access to copies of the statutes covered in the course).

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 seventh 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 six tutorials is required for terms.

Tutorial sign-up will be via: <https://signups.vuw.ac.nz> 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 Tuesday 4 September.

Completed essays should be placed in the **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 4 September) - 20%

Assessment 2: Terms Test (9 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 SIX TUTORIALS and satisfactory participation in the discussion.

Terms requirements are set out in the 2007 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 or soon after.

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 2007

Lecturer	Week	Week begins	Lecture Topic	Due Dates	Tutorial
Palitha De Silva	1	9 July	Topics Introduction; General Contract Law		
Palitha De Silva	2	16 July	Banking Contracts	First Tutorial handed out on Friday 20 July	
Palitha De Silva	3	23 July	Banking Contracts	Essay Question handed out on Friday 27 July	
Palitha De Silva	4	30 July	Contracts of Guarantee	Second Tutorial handed out on Tuesday 31 July	First Tutorial: Contract Law
Palitha De Silva	5	6 Aug	Agency Contracts		Second Tutorial: Banking Law
Alan Cameron a	6	13 Aug	Contracts for Sale of Goods	Third Tutorial handed out on Tuesday 14 August	
Alan Cameron	7	3 Sep	Sale of Goods	Fourth Tutorial handed out Tuesday 4 September; Essay due Tuesday 4 September by 4 p.m.	Third Tutorial: Guarantee Contracts and Agency
Alan Cameron	8	10 Sept	Insurance Contracts		Fourth Tutorial: Sale of Goods
Alan Cameron	9	17 Sept	Credit Contracts	Fifth Tutorial handed out Tuesday 18 September	
Alan Cameron	10	24 Sept	Personal Property Securities	Sixth Tutorial handed out Tuesday 25 September	Fifth Tutorial: Credit Contracts, Insurance
Alan Cameron	11	1 Oct	Commerce Act 1986		Sixth Tutorial: Personal Property Securities
Palitha De Silva	12	8 Oct	Fair Trading and Dispute Resolution; Conclusion	TERMS TEST: TUESDAY 9 OCTOBER	

Detailed Tutorial Signup Instructions

1. Go to the signup website at: <https://signups.vuw.ac.nz>
2. Enter your SCS username and password to login the system.
3. The “Signup Home” page opens. It displays all courses you are enrolled for and that use the S-Cubed Tutorial & Workshop Signup system. Click on the course you wish to sign up for.
4. The selected course page opens. It will show the course contact and brief details of the signup instructions. A “key” is provided at the bottom that explains all buttons and what they do.
5. The schedule of tutorials includes the day/time, location, maximum group size, and spaces left in the tutorial sessions.
6. If there are spaces left in a particular session, you will see the “ENROL” button next to it. You can click this button to enrol yourself into that tutorial session.
7. If there are NO more spaces left in a particular session, you will see the “JOIN WAITLIST” button, if available. You can click this button to join the waitlist for that tutorial session. Please note that you will be removed from any other waitlist you may have joined earlier. If somebody withdraws from this session, you will automatically be moved up the waitlist or enrolled into the session. In this case you are enrolled in the session; an email will be sent to you if you are enrolled into the session from a waitlist.
8. You can only “JOIN WAITLIST” if you have already enrolled in one of the other available sessions. In other words, “ENROL” in one session and then you can choose to join the waitlist for another preferred session.
9. You can choose to “WITHDRAW” from a session you have already enrolled for. You can also choose to “CANCEL WAITLIST” to remove yourself from a particular waitlist.
10. A “FULL” button indicates all seats and waitlist are full for that tutorial session. You must choose another session.
11. More details on the various buttons are available in the “Key” section at the bottom of the signup page.
12. You should “ENROL” in only ONE tutorial session and may “JOIN WAITLIST” for only ONE other tutorial session.
13. You can login and signup (or change your signup) anytime before the **closing date of the tutorial signup. You will NOT be able to sign up or change your choice after the tutorial signups have closed.**
14. You can view/confirm details of the sessions you are enrolled and waitlisted for, such as day/time and location by clicking on “My Signups” on the left hand menu.
15. Click on “Support” on the left hand menu if you are having problems.

This online signup system is available around the clock over the internet. Any requests after this date will need to be manually handled by the course administrator. You will need to submit a written application stating the reason why you were not able to sign up on time using the online system, along with other relevant documentation such as medical certificate etc.

Finally, **you must always attend the tutorial sessions that you have signed up for.** If you attend a different session, your attendance may not be recorded.

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 or go to www.vuw.ac.nz/policy.

For information on the following topics, go to the Faculty's website www.vuw.ac.nz/fca under Important Information for Students:

- Academic Grievances
- Academic Integrity and Plagiarism
- Student and Staff Conduct
- Meeting the Needs of Students with Impairments
- Student Support

Manaaki Pihipihinga Programme

Manaaki Pihipihinga is an academic mentoring programme for undergraduate Māori and Pacific students in the Faculties of Commerce and Administration, and Humanities and Social Sciences. Sessions are held at the Kelburn and Pipitea Campuses in the Mentoring Rooms, 14 Kelburn Parade (back courtyard), Room 109D, and Room 210, Level 2, Railway West Wing. There is also a Pacific Support Coordinator who assists Pacific students by linking them to the services and support they need while studying at Victoria. Another feature of the programme is a support network for Postgraduate students with links to Postgraduate workshops and activities around Campus.

For further information, or to register with the programme, email manaaki-pihipihinga-programme@vuw.ac.nz or phone (04) 463 5233 ext. 8977. To contact the Pacific Support Coordinator, email pacific-support-coord@vuw.ac.nz or phone (04) 463 5842.