

School of Accounting and Commercial Law

## COML 205 CONSUMER LAW

Trimester Two 2010

### COURSE OUTLINE

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#### Names and Contact Details

Course Coordinator &

Lecturer: Assoc. Prof Yvonne van Roy RH 605 463 6762  
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Office hours: Monday-Friday 8.30am-5pm  
Office is closed: 10.30-10.45am and 3.30-3.45pm

#### Trimester Dates

**Teaching Period:** Monday 12<sup>th</sup> July – Friday 15<sup>th</sup> October 2010

**Study Period:** Monday 18<sup>th</sup> October – Thursday 21<sup>st</sup> October 2010

**Examination Period:** Friday 22<sup>nd</sup> October – Saturday 13<sup>th</sup> November 2010 (inclusive)

#### Withdrawal from Courses:

Your fees will be refunded if you withdraw from this course on or before **23 July 2010**

The last date for withdrawal from this course is the three-quarter point of the teaching period, i.e. **Friday 24 September**. After that date, withdrawal requires the permission of the Associate Dean (Students) as set out in section 8 of the Personal Courses of Study Statute

<http://policy.vuw.ac.nz/Amphora!~policy.vuw.ac.nz~POLICY~000000001743.pdf>

To apply for permission, fill in the Late Withdrawal form available from either of our Student Customer Service Desks.

#### Course Prerequisites

COML 203 Legal Environment of Business

#### Class Times and Room Numbers

**Mondays and Wednesdays:** 9.30-10.20am in RH LT2.

## Course Content

Below is an outline of the content covered by this course and the order in which they will be presented.

### Attendance at Lectures

A significant part of this course is lecture based. Therefore, you are strongly recommended to attend *all* lectures and tutorial group sessions. Much information, which is examinable, is conveyed by the *spoken word only* and is not posted on Blackboard or otherwise distributed!

Dates		Topic Areas	Tutorials
Mon 12 July Wed 14 July	YvR	Why do we need laws to protect consumers?	No tutorial
Mon 19 July Wed 21 July	YvR	Providing a more Consumer-friendly market place: Door to Door Sales Act; Unsolicited Goods & Services Act; Pt 2 Fair Trading Act: Consumer Information	No tutorial
Mon 26 July Wed 28 July	YvR	Defective Products: Pts 3-4 Fair Trading Act: Product Safety & Safety of Services; Consumer Guarantees Act	Tutorial 1 (YvR)
Mon 2 Aug Wed 4 Aug	YvR	Defective Products: Consumer Guarantees Act	Tutorial 2 (YvR)
Mon 9 Aug Wed 11 Aug	YvR	Unfair Practices & Conduct: The Fair Trading Act	Tutorial 3 (YvR)
Mon 16 Aug Wed 18 Aug	YvR YvR	Unfair Practices & Conduct: The Fair Trading Act <b>Terms Test</b> (50 minutes duration, venues to be advised)	No tutorial
<b>Mid-Trimester Break, 23 Aug – 5 Sept</b>			
Mon 6 Sept Wed 8 Sept	YvR PdS	Unfair Practices & Conduct: The Fair Trading Act Consumer Issues in Unfair Contracts: Unconscionable Bargains, Duress & Undue Influence	No tutorial
Mon 13 Sept Wed 15 Sept	PdS	Consumer Issues in Credit: The Credit Contracts and Consumer Finance Act 2003 and Regulations; The Credit (Repossession) Act 1997	Tutorial 4 (YvR)
Mon 20 Sept Wed 22 Sept	PdS	Consumer Issues in Investment: The Financial Advisors Act 2008 and Regulations Financial Service Providers (Registration and Dispute Resolution) Act 2008	Tutorial 5 (PdS)
Mon 27 Sept Wed 29 Sept	PdS	Consumer Issues in Banking: Consumer rights in Negotiable Instruments Issues in Electronic Banking: Debit & Credit Cards; EFTs & Internet Banking The Banking Ombudsmen	Tutorial 6 (PdS)
<b>Legal Essay due 5.00pm Wednesday 29 September</b>			
Mon 4 Oct Wed 6 Oct	PdS	Consumer Issues in Insurance: The Nature of the Insurance Contract Insurance Law Reform Acts The Insurance Ombudsman	Tutorial 7 (PdS)
Mon 11 Oct Wed 13 Oct	PdS	Consumer Issues in Privacy: Is there a Right to Privacy? The Privacy Act 1993 The Privacy Commissioner	Tutorial 8 (PdS)

*This is a general lecture outline only. Some topics may be addressed in a different week from that shown here.*

### ***Your tutorial group sessions***

There are eight (8) tutorial sessions for each tutorial group of students, held during the following eight weeks:

- Week 3, Tutorial 1**
- Week 4, Tutorial 2**
- Week 5, Tutorial 3**
- Week 8, Tutorial 4**
- Week 9, Tutorial 5**
- Week 10, Tutorial 6**
- Week 11, Tutorial 7**
- Week 12, Tutorial 8**

**You will be given the opportunity to electronically sign up to be a member of one tutorial group on a first-come-first-served basis. Sign up for the tutorials should be done during the first week of the trimester.** The instructions for signing up are attached (see page 8 of this Course Outline). The completed tutorial group lists with their ***group identification number*** will be posted on the web-based **Blackboard as soon as practically possible after the closing date of the tutorial group sessions' signup.** Subsequent changes to those tutorial group lists can only be made by the Course Administrator.

Tutorials are compulsory and an attendance roll will be recorded. Tutorials are generally designed to clarify and reinforce material covered in lectures. In addition, tutorials will also focus on reviewing, introducing and practicing skills such as legal problem solving and legal writing which will assist in assessments. Students are expected to participate in tutorials fully.

### **Course Learning Objectives**

By the end of this course, students should be able to:

1. explain the laws that businesses have to comply with in their interactions with consumers;
2. apply selected aspects of consumer law to fact situations;
3. critically evaluate the policy underlying consumer law;
4. compare selected aspects of New Zealand consumer law with overseas jurisdictions.

### **Course Delivery**

The course will be delivered by lectures and tutorials. Before lectures you should read any assigned material and for tutorials, students need to read and consider the tutorial questions before each tutorial. Some tutorials will be problem solving. It is recommended that students attempt to answer such questions before the tutorial by identifying the key issues, analysing the applicable law and applying to the facts. Other tutorials may require reading of relevant pages of the course material book or additional material before the tutorial.

### **Expected Workload**

This is a 15 point course. As such it equates to 150 hours of work spread over its duration of: (i) 12 lecture weeks, (ii) 2 mid-trimester study breaks, and (iii) 1 study week prior to the final examination period. That is on average a total of **10 hours of work per week** (150 hours of work ÷ 15 weeks).

### **Group Work**

Group work is limited to your participation in your Tutorial Group Sessions.

## **Readings**

### *Required:*

COML 205 Course Materials (2010) Volumes 1 and 2 purchased through student notes.  
CCH New Zealand Contract and Commercial Legislation (latest edition), or Brookers  
Commercial Law Handbook (latest edition).

### *Recommended and Additional Textbooks that you may wish to consult:*

COML 205 Blackboard will set out a list of any recommended and additional textbooks.

## **Materials and Equipment**

### *Materials permitted in mid-trimester test and final examination*

The Mid Trimester Test and Final Exam are both open book and you may bring whatever materials you like into the exam room. Be aware that lecturers do not have spare copies of course materials book available for loan and it is your responsibility to make sure you have a copy of anything you may wish to refer to during the test and final exam.

## **Assessment Requirements**

These assessment requirements cover the following three items below, namely:

- 1. Mid Trimester Test: Wednesday 18<sup>th</sup> August (20%)**
- 2. Legal Essay: due Wednesday 29<sup>th</sup> September (30%), and**
- 3. Final Examination (50%) (open book)**

### *Mid Trimester Test (compulsory)*

- The Test (20% of the overall grade) is scheduled to take place on Wednesday 18<sup>th</sup> August
- Its duration will be 50 minutes.
- The test will cover material covered in lectures up to and including Monday 16<sup>th</sup> August.
- The test is open book.

### *Legal Essay (compulsory)*

The Legal Essay is due 5.00pm Wednesday 29<sup>th</sup> September. Essays should not exceed 2000 words (not including footnotes which should be limited to referencing and citations). You will need to do research beyond the recommended reading and course materials. You should pay particular attention to the requirements for the adequate references and citations in order to avoid the appearance of plagiarism.

### *Essay Topic*

The Real Estate Agents Act 2008 (the 2008 Act) introduced a new regulatory framework for the real estate industry that will promote and protect the interests of consumers in real estate transactions.

### *Required:*

- Discuss how the law prior to the 2008 Act failed to protect the interests of consumers.
- Explain the measures which have been introduced in the 2008 Act to protect the interests of consumers, and how they will do this.
- Critically discuss whether the 2008 Act will achieve the desired additional protections to consumers, and whether it achieves a suitable balance between the interests of consumers and the interests of the Real Estate industry and Real Estate Agents.

Note: Helpful material for your essay is contained in Volume 1 of your course materials, and further information is available on Closed Reserve in the Commerce Library (i.e. The Real Estate Agents Act 2008, The Real Estate Agents Bill (as reported back from the Justice and Electoral Committee with commentary), and the Submission from the New Zealand Law Society).

*Basic Requirements for your Essay*

1. There should be an introduction and a conclusion, clearly headed as such.
2. Do not grossly exceed the word limit (10% tolerance is acceptable) – *after this point the work will not be marked.*
3. The due date will be strictly adhered to. However, if you consider you have a good reason for not meeting this deadline, please see the course co-ordinator as soon as you know you will have this problem. Otherwise, the penalty will be 5% per day (after the due date).
4. All ideas or quotations from another work must be referenced. You could either use footnotes (for guidance, look at the way this is done in the text or in any of the articles or chapters in the course materials), or use the APA system. Remember to include the page reference, not just the title of the work being referenced.
5. There should be a bibliography, listing the sources of information you have used for your essay; (note that a bibliography is not a substitute for referencing).
6. Provide a separate cover sheet that shows:  
The Title  
Your Name  
The Course Code  
The word count
7. Leave a 2 inch (5 cm) margin and adequate spacing, to enable room for comments.
8. Write clearly or type your work.
9. Do not plagiarise (see p.106 of the University Calendar for further information). Plagiarism is defined as “the presentation of the work of another person or other persons as if it were one’s own work, whether intended or not. This includes published and unpublished work, material on the Internet and the work of other students and staff”. If you want to include a passage from another person’s work, use quotation marks at the beginning and end of the passage, then include the appropriate reference. If you want to include the ideas of another person, but not their exact words, you must include a reference to that person’s work (but no quotation marks are necessary).

***Final Examination*** (50% of overall grade, total duration is 120 minutes)

The final examination for this course will be scheduled at some time during the period Friday 22<sup>nd</sup> October to Saturday 13<sup>th</sup> November 2010 (inclusive) (actual date to be advised).

*Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.*

## **Examinations**

Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period.

The final examination for this course will be scheduled at some time during the period **Friday 22nd October – Saturday 13th November 2010 (inclusive)**

## **Penalties**

See “Basic Requirements for your Essay” (above).

## **Mandatory Course Requirements**

**All** items of assessment must be completed, and at least six out of the eight tutorials must be attended.

### *Course pass requirements*

In order to pass this course, a student must (a) meet the *mandatory course requirements*, and (b) achieve a weighted average mark of 50% or more, utilising the indicated weightings, over: (i) Mid Trimester Test (weighting 20%) plus (ii) Legal Essay (weighting 30%), plus (iii) Final Examination (weighting 50%).

## **Class Representative**

A class representative will be elected in the first class, and that person’s name and contact details will be available to VUWSA, the Course Coordinator and the class. The class representative provides a communication channel to liaise with the Course Coordinator on behalf of students.

## **Communication of Additional Information**

Additional information concerning this course will be provided in lectures and posted on the web-based **Blackboard** system at <http://blackboard.vuw.ac.nz>.

## **Use of Turnitin**

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <http://www.turnitin.com>. Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

**For the following important information follow the links provided:**

**Academic Integrity and Plagiarism**

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

**General University Policies and Statutes**

<http://www.victoria.ac.nz/home/about/policy>

**AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support**

[http://www.victoria.ac.nz/home/about\\_victoria/avcacademic/Publications.aspx](http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx)

**Faculty of Commerce and Administration Offices**

<http://www.victoria.ac.nz/fca/studenthelp/>

**Manaaki Pihipihinga Programme**

[http://www.victoria.ac.nz/st\\_services/mentoring/](http://www.victoria.ac.nz/st_services/mentoring/)

## Detailed Tutorial Signup Instructions

1. Go to the signup website at: <https://signups.victoria.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.