

School of Accounting and Commercial Law

COML 205 CONSUMER LAW

Trimester 1, 2014

COURSE OUTLINE

Names and Contact Details

Course Coordinator &

Lecturer:	Assoc. Prof Yvonne van Roy yvonne.vanRoy@vuw.ac.nz	RH 605	463 6762
	Office Hours: Or by appointment	Friday 1.30pm – 3.30pm	
Administrator:	Ms Lee Vassiliadis lee.vassiliadis@vuw.ac.nz	RH 708	463 5383
	Office hours: Office is closed:	Monday-Friday 8.30am-5pm 10.30-10.45am and 3.30-3.45pm	

Trimester Dates

Teaching Period: Monday 3 March – Friday 6 June

Study Period: Monday 9 June – Thursday 12 June

Examination Period: Friday 13 June – Wednesday 2 July (inclusive)

Withdrawal from Course

1. Your fees will be refunded if you withdraw from this course on or before Friday 14 March 2014.
2. The standard last date for withdrawal from this course is Friday 16 May 2014. After this date, students forced to withdraw by circumstances beyond their control must apply for permission on an '*Application for Associate Dean's Permission to Withdraw Late*' including supporting documentation. The application form is available from either of the Faculty's Student Customer Service Desks.

Course Prerequisites

COML 203 Legal Environment of Business

Class Times and Room Numbers

Mondays: 2.40 - 3.30 pm in GBLT2

Thursdays: 1.40 - 2.30 pm in GBLT2

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.

Group Work

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

Expected Workload

It is expected that students' workload in this course will be, on average, 15 hours a week – total 150 hours. Students' workload will be made up as follows: Lectures 24 hours, background reading lectures 42 hours, tutorial contact, prep and assignments 34 hours, review of material for test and examination 50 hours.

Prescription

The law relating to consumers.

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 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 3 March Thur 6 March	<ul style="list-style-type: none">• Why do we need laws to protect consumers? New and proposed amendments to New Zealand Consumer Laws• Defective Products and Services: Pts 3-4 Fair Trading Act: Pt 2 Consumer Information Standards	No tutorial
Mon 10 March Thur 13 March	<ul style="list-style-type: none">• The Consumer Guarantees Act 1993 (Goods)	No tutorial
Mon 17 March Thur 20 March	<ul style="list-style-type: none">• The Consumer Guarantees Act 1993 (Goods)	Tutorial 1
Mon 24 March Thur 27 March	<ul style="list-style-type: none">• The Consumer Guarantees Act 1993 (Goods)• Providing for a fair market place in the public Interest• The Fair Trading Act 1986: Overview of Act, including recent amendments	Tutorial 2

Mon 31 March Thur 3 April	<ul style="list-style-type: none"> • Misleading or deceptive conduct (ss9-12) • False or misleading representations (ss13,14,14A) 	Tutorial 3
Mon 7 April Thur 10 April	<ul style="list-style-type: none"> • Unfair practices and unsubstantiated claims (s12A) • Remedies, defences, contracting out 	Tutorial 4
Mon 14 April Thur 17 April	<ul style="list-style-type: none"> • Test during week 7 (50 minutes duration; date and venue to be advised) • The opportunity to change your mind: uninvited direct sales agreements and extended warranties 	No Tutorial
MID-TRIMESTER BREAK 18 APRIL – 4 MAY		
Mon 5 May Thur 8 May	<ul style="list-style-type: none"> • Unsolicited goods and services • Unfair Contract Terms 	No tutorial
Mon 12 May Thur 15 May	<ul style="list-style-type: none"> • Consumer Protection in Credit Contracts: the Credit Contracts and Consumer Finance Act 2003 	Tutorial 5
Mon 19 May Thur 22 May	<ul style="list-style-type: none"> • Credit Contracts and Consumer Finance Act (proposed amendments) • The principle of responsible lending and repossession in credit contracts <p style="text-align: center;">Legal Exercise due Friday 23 May at 2.00pm</p>	Tutorial 6
Mon 26 May Thur 29 May	<ul style="list-style-type: none"> • Unconscionable Conduct in Consumer Transactions – should NZ adopt the Australian provisions? • Industry Solutions: the Role of Ombudsmen and Codes of Ethics <ul style="list-style-type: none"> - The Banking Ombudsman - The Insurance and Savings Ombudsman 	Tutorial 7
Mon 2 June	Queen’s Birthday (Holiday)	
Thur 5 June	<ul style="list-style-type: none"> • Consumer Protection in Financial Advice <ul style="list-style-type: none"> - The Financial Advisors Act 2008 	Tutorial 8

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 6, 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 second 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 (see mandatory course requirements: you must attend six out of the eight tutorials) 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.

Readings

Required:

COML 205 Course Materials (2014) Volumes 1 and 2 purchased through student notes.

Brookers Commercial Law Handbook (2014 edition) OR CCH New Zealand Contract and Commercial Legislation (2014 edition). Note: You need an edition with the 2013 amendments to the Fair Trading and Consumer Guarantees Acts. **It is strongly recommended that you purchase the Brookers text (above) as it contains an introduction to the 2013 Consumer Law Amendments.**

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

From Trimester 1, 2014, a revised Assessment Handbook will apply to all VUW courses: see <http://www.victoria.ac.nz/documents/policy/staff-policy/assessment-handbook.pdf>.

In particular, there will be a new grade scheme, in which the A+ range will be 90-100% and 50-54% will be a C-.

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

1. **Mid Trimester Test: Week 7 - TBA (20%)**
2. **Legal Exercise: due Friday 23rd May at 2pm (30%)**
3. **Final Examination (50%) (open book)**

Mid Trimester Test (compulsory)

- The Test (20% of the overall grade), date and venue to be confirmed.
- Its duration will be 50 minutes.
- The test will cover material covered in lectures up to and including Thursday 10 April.
- The test is open book.

Legal Exercise (compulsory)

The Research Essay is due 2pm Friday 23rd May. Essays should not exceed 1500 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.

Legal Exercise Topic

Suppose the Retailers' Association of New Zealand has come to you for advice. Now that the amendments from the Consumer Law Reform Bill have been passed into law, they need to update the advice which they give to their members about how they can legally contract out of the Consumer Guarantees Act 1993.

Required:

Advise the Retailers' Association whether any of the following will comply with the amended Act, and if not, what would be needed in order to ensure compliance.

- 1) A notice, located next to the cash register, which states:
“Please Note: If you are acquiring or holding yourself out as acquiring goods or services for the purposes of a business, the Consumer Guarantees Act 1993 will not apply to this sale.”
- 2) A notice, featuring prominently on a Trade Me listing from a business, which states that:
“As auction sales are not covered by the Consumer Guarantees Act 1993, that Act will not apply to this transaction.”
- 3) A notice, as in (2) above, prominently displayed on the wall of auction rooms.
- 4) A notice, prominently displayed on the wall behind the cash register in a “clearance” shop, which states:
“Please choose carefully as we do not refund or exchange items purchased from this sale store. Items are sold “as is” and may be reduced because of minor faults or damage. Therefore we are not required to refund due to these reasons. This is provided for in the Consumer Guarantees Act.”

One Retailers Association member has pointed out that last year a customer told them that the above notice would breach section 13(i) of the Fair Trading Act 1986, and that the notice was insufficient to meet the requirements of section 7(2) and (3) of the Consumer Guarantees Act.

Basic Requirements for your Legal Exercise

1. Do not grossly exceed the word limit (10% tolerance is acceptable) – *after this point the work will not be marked.*
2. 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).
3. 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 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.
4. There should be a bibliography, listing the sources of information you have used for your exercise; (note that a bibliography is not a substitute for referencing).
5. Provide a separate cover sheet that shows:
 - The Title
 - Your Name
 - The Course Code
 - The word count
6. Leave a 2 inch (5 cm) margin and adequate spacing, to enable room for comments.
7. Write clearly or type your work.
8. Do not plagiarise (see <http://www.victoria.ac.nz/vbs/studenthelp/general-course-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

Penalties

See “Basic Requirements for your Legal Exercise” (above).

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 submitted to Turnitin. A copy of submitted materials will be retained 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.

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 following period:

Friday 13 June – Wednesday 2 July (inclusive)

Mandatory Course Requirements

In addition to obtaining an overall course mark of 50 or better, students must complete **all** items of assessment, and at least six out of the eight tutorials must be attended.

If you cannot complete an assignment or sit a test or examination, refer to

www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat

Class Representative

A class representative will be elected in the first class, and that person's name and contact details made 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>.

Student feedback

Student feedback on University courses may be found at

www.cad.vuw.ac.nz/feedback/feedback_display.php

Link to general information

For general information about course-related matters, go to

<http://www.victoria.ac.nz/vbs/studenthelp/general-course-information>

Note to Students

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 academic audit. The findings may be used to inform changes aimed at improving the quality of VBS programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

Detailed Tutorial Signup Instructions

Go to the signup website at: <https://signups.vuw.ac.nz>

Enter your SCS username and password to login the system.

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.

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.

The schedule of tutorials includes the day/time, location, maximum group size, and spaces left in the tutorial sessions.

1. 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.
2. 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.
3. 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.
4. 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.
5. A “FULL” button indicates all seats and waitlist are full for that tutorial session. You must choose another session.
6. More details on the various buttons are available in the “Key” section at the bottom of the signup page.
7. You should “ENROL” in only ONE tutorial session and may “JOIN WAITLIST” for only ONE other tutorial session.
8. 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.**
9. 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.
10. 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.