

TABL 2732 FRANCHISING

Course Outline Semester 1, 2017

Part A: Course-Specific Information

**Part B: Key Policies, Student Responsibilities
and Support**

Table of Contents

PART A: COURSE-SPECIFIC INFORMATION	2
1 STAFF CONTACT DETAILS	2
2 COURSE DETAILS	2
2.1 Teaching Times and Locations	2
2.2 Units of Credit	2
2.3 Summary of Course	2
2.4 Course Aims and Relationship to Other Courses	2
2.5 Student Learning Outcomes	3
3 LEARNING AND TEACHING ACTIVITIES	5
3.1 Approach to Learning and Teaching in the Course	5
3.2 Learning Activities and Teaching Strategies	5
4 ASSESSMENT	5
4.1 Formal Requirements	5
4.2 Assessment Details	5
4.3 Assessment Format	10
4.4 Late Submission	10
5 COURSE RESOURCES	11
5.1 Textbook	11
5.2 Legislation	11
5.3 Other resources	11
5.4 Cases	12
6 COURSE EVALUATION AND DEVELOPMENT	12
7 COURSE SCHEDULE	12
PART B: KEY POLICIES, STUDENT RESPONSIBILITIES AND SUPPORT	15
8 PROGRAM LEARNING GOALS AND OUTCOMES	15
9 ACADEMIC HONESTY AND PLAGIARISM	16
10 STUDENT RESPONSIBILITIES AND CONDUCT	16
10.1 Workload	16
10.2 Attendance	16
10.3 General Conduct and Behaviour	17
10.4 Health and Safety	17
10.5 Keeping Informed	17
11 SPECIAL CONSIDERATION	17
12 STUDENT RESOURCES AND SUPPORT	19

PART A: COURSE-SPECIFIC INFORMATION

1 STAFF CONTACT DETAILS

Lecturer-in-charge: Professor Jenny Buchan
Room QUAD 2054
Phone No: 9385 1458
Mobile no: +61 (0) 432 87 99 88
Email: jm.buchan@unsw.edu.au
Consultation Times –by appointment most afternoons

2 COURSE DETAILS

2.1 Teaching Times and Locations

Lectures start in Week 1 and run to Week 12:
The Time and Location are:
9am – 12 noon Thursday, Room G24 Business School.
No class in week 13.

2.2 Units of Credit

The course is worth 6 units of credit.

2.3 Summary of Course

This course explores the operation, documentation and regulation of business format franchising in Australia. Franchising is a business strategy which is of increasing significance both domestically and internationally.

All consumer goods and services and most B2B services can be distributed through franchise systems. Quasi-professional and government services are increasingly franchised. Some franchise operations are also owned by public companies. Australia now has nearly 1,120 business format franchisors that, together with their franchisees, turn over \$146 billion/ann.¹

The course examines:

- business format franchising as a business model
- the franchise agreement and the franchisor/ franchisee relationship
- the federal regulation of franchising under the *Competition and Consumer (Industry Codes—Franchising) Regulation 2014, Schedule 1—Franchising Code of Conduct (the Code)* prescribed under the *Competition and Consumer Act (Cth) 2010*
- topical legal issues in the context of franchising (contract terms, whether someone is a franchisee or employee, good faith, dispute resolution, insolvency)

2.4 Course Aims and Relationship to Other Courses

This course is offered as an elective in the Business Law stream in the BCom degree.

In addition to providing students with specific knowledge on Australian franchising law and practice, the course also seeks to develop learning outcomes introduced in prior studies including:

- confidence and competence in constructing and presenting written and oral arguments relevant to common commercial problems

¹ L Frazer, S Weaven and A Grace, Franchising Australia survey, 2016

business.unsw.edu.au

- the ability to analyse legal issues from a commercial perspective in a logical and structured way (ie to identify problems, research relevant sources, conduct due diligence and identify possible challenges to the reliability of franchise system due diligence)
- the need to think critically beyond what is presented by a range of stakeholders

Franchising is not a core course in the programs offered by the Business School.

Business format franchising – originally an expansion/business entry vehicle for small business – is increasingly used by big business as a distribution system. Because franchising operates in all industry sectors the course is relevant to students of many disciplines.

There is no prerequisite for this course. The course complements TABL 3732, International Franchise Law that is offered in session 2.

2.5 Student Learning Outcomes

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

1. Explain what a business format franchise is, what laws relate to it in Australia, and what roles the franchisor and its franchisees play.
2. Understand what the terms of a franchise agreement really mean.
3. Conduct due diligence on a franchise offering in Australia
4. How a business can be improved from the perspectives of ethics and sustainability

The Course Learning Outcomes are what you should be able to DO by the end of this course if you participate fully in learning activities and successfully complete the assessment items.

The Learning Outcomes in this course also help you to achieve some of the overall Program Learning Goals and Outcomes for all undergraduate students in the Business School. Program Learning Goals are what we want you to BE or HAVE by the time you successfully complete your degree (e.g. 'be an effective team player'). You demonstrate this by achieving specific Program Learning Outcomes - what you are able to DO by the end of your degree (e.g. 'participate collaboratively and responsibly in teams').

For more information on the Undergraduate Program Learning Goals and Outcomes, see Part B of the course outline.

Business Undergraduate Program Learning Goals and Outcomes

1. Knowledge: Our graduates will have in-depth disciplinary knowledge applicable in local and global contexts.

You should be able to select and apply disciplinary knowledge to business situations in a local and global environment.

2. Critical thinking and problem solving: Our graduates will be critical thinkers and effective problem solvers.

You should be able to identify and research issues in business situations, analyse the issues, and propose appropriate and well-justified solutions.

3. Communication: Our graduates will be effective professional communicators.

You should be able to:

- a. Prepare written documents that are clear and concise, using appropriate style and presentation for the intended audience, purpose and context, and
- b. Prepare and deliver oral presentations that are clear, focused, well-structured, and delivered in a professional manner.

4. Teamwork: Our graduates will be effective team participants.

You should be able to participate collaboratively and responsibly in teams, and reflect on your own teamwork, and on the team's processes and ability to achieve outcomes.

5. Ethical, social and environmental responsibility: Our graduates will have a sound awareness of the ethical, social, cultural and environmental implications of business practice.

You should be able to:

- a. Identify and assess ethical, environmental and/or sustainability considerations in business decision-making and practice, and
- b. Identify social and cultural implications of business situations.

The following table shows how your Course Learning Outcomes relate to the overall Program Learning Goals and Outcomes, and indicates where these are assessed (they may also be developed in tutorials and other activities):

Program Learning Goals and Outcomes		Course Learning Outcomes	Course Assessment Item
<i>This course helps you to achieve the following learning goals for all UNSW Business School undergraduate coursework students:</i>		<i>On successful completion of the course, you should be able to:</i>	<i>This learning outcome will be assessed in the following items:</i>
1	Knowledge	Understand how to find and read decided Australian franchise cases	Case presentations in tutorials
2	Critical thinking and problem solving	Read, interpret and compare clauses in franchise agreements	Franchise agreement clauses
3a	Written communication	Construct written work that is logically, accurately and professionally presented	Due diligence report
3b	Oral communication	Communicate findings in a succinct and clear manner	Assessed presentation of franchise agreement clause, case and due diligence report
4	Teamwork	Not addressed in this course	
5a.	Ethical, environmental and sustainability responsibility	Identify environmentally sustainable and unsustainable business practices in 2 Australian franchises (not the franchise you are studying) and propose ways to reduce the environmental footprint in Australia of those franchise systems	Assessed through reflective piece submitted in week 12
5b.	Social and cultural awareness	Not specifically addressed in this course	

3 LEARNING AND TEACHING ACTIVITIES

3.1 Approach to Learning and Teaching in the Course

This course is conducted with the aim of promoting student-centred learning. This aim will be achieved by requiring every student to engage with the topics presented in the course and the assessments students are required to undertake. Each assessment is strongly based on the reality of understanding the needs of and advising franchisors and franchisees.

Materials will be distributed or posted on Moodle throughout the session. Students are expected to think deeply about the issues and not to simply read words on the page and accept, without question, what is written about (and by) the franchise sector.

3.2 Learning Activities and Teaching Strategies

Franchising is conducted in a weekly three-hour class (notionally 2 hours of lecture followed by a 1 hour tutorial) that will comprise a number of components – lecture, presentations by guest experts, discussion of assigned cases, student presentations of aspects of franchise agreements, and due diligence exercises.

It is taught in the flipped classroom which gives all students the opportunity to work on tasks during class.

4 ASSESSMENT

4.1 Formal Requirements

In order to pass this course, you must:

- achieve a composite mark of at least 50;
- attend at least 80% of the scheduled classes and
- make a satisfactory attempt at all assessment tasks (see below).

4.2 Assessment Details

Remember to keep a copy of all work submitted for assessment and to keep your returned marked assignments.

	Assessment Task	Weighting	Length	Due Date
1a	Franchise agreement clause(s) <ul style="list-style-type: none">• Oral presentation	10%	10 minutes	Week 4 lecture and tutorial
1b	Franchise agreement clause(s) <ul style="list-style-type: none">• Written submission	10%		Week 4
2	Case note <ul style="list-style-type: none">• Oral presentation.	20%	3 PowerPoint slides maximum	Lecture and Tutorial, weeks as agreed between weeks 6 and 9
3a	Due diligence: <ul style="list-style-type: none">• Written	35%	See 4.3 below	Week 12 Thursday by 5pm

3b	Due diligence • Oral	10%	10 minutes	Present in class in weeks 11 and 12
4	Reflection on sustainability	15%	900 words	Week 12 Friday by 5pm
	Total	100%		

Assessment 1: Franchise agreement

This assessment has an oral and a written component.

Each student will be allocated one issue that is addressed in a franchise agreement.

There is no 'right' or 'wrong' answer. This question involves you thinking about the commercial implications of 'your' issue.

1a Oral presentation (10 marks):

You are required to:

- Explain the issue and identify the clause(s) that address it;
 - what the clause(s) mean,
 - what situation(s) they are designed to cover.
- Is the clause fair to both the franchisor and the franchisee? Why?
- What would be the effect of a breach of the clause(s)?

Good marks will be allocated for clear, considered presentation and well-argued coverage of all of the above and for demonstrably appreciating your client's commercial and personal perspective as reflected in the clause(s).

Marks will be lost for sloppiness, going over time, failing to cover all issues, and failing to clearly 'put yourself in the shoes of' your client.

1b Written submission (10 marks):

Looking at the entire franchise agreement on Moodle, which (if any) clauses might the franchisor have to consider amending or deleting to comply with the unfair contract terms legislation <https://www.accc.gov.au/consumers/contracts-agreements/unfair-contract-terms> that became applicable to some business to business contracts on 12 November 2016? You must:

- Identify the clauses by number
- Explain why you believe each one may be seen as unfair, or still fair in the light of the new law.

This assessment enables you to demonstrate your critical thinking, legal research and problem solving ability, and provides an opportunity to develop your oral presentation skills.

Assessment 2: Case Note

Each student will be allocated a franchise case on which a case note will be presented to the class.

Areas of case to be addressed and evaluated	Weighting /20
Citation	1
Court	
Brief background/ procedural history	

Facts	2
i) Time line of events (see Enright pp 530-31)	
ii) Diagram showing space dimension of events (see Enright p 533)	
iii) Relationship between parties (see Enright p 534)	
Legal Issue(s)	2
Court's decision	1
Implications <input type="checkbox"/> Identify <u>two</u> 'implications' or things a franchisor/ franchisee would have learned as a consequence of the litigation <input type="checkbox"/> Identify <u>one</u> implication for a professional advisor. <input type="checkbox"/> Suggest how both the franchisor/franchisee their legal advisor could adjust future conduct to avoid ending up in court again. <input type="checkbox"/> Ask the class for their thoughts on how the parties could have avoided the dispute.	10
Overall quality of presentation including: clear, audible and kept to time/ adhered to slide limit and supplied slides to lecturer in electronic format for posting to MOODLE	4

Assessment will be on the basis of a 10 minute class presentation and the timely supply of slides to lecturer

- Presentation dates will be agreed on allocation of the case.
- You are limited to 3 slides for your presentation.
- Submit one copy of slides to the lecturer electronic format on the day you present.
- Lecturer will post your slides on the course website.
-

Assessment 3. Due Diligence client advice

This work is to be done **in pairs of students**. You will be allocated into your pair.

Both students will receive:

- the same mark for the oral presentation in week 11 or 12
- their own mark for the written component submitted in week 12.

***** NOTE: do not underestimate the size of this task. Get onto it early!*****

This assessment will test your legal forensic research skills and will give you a realistic experience of the challenges of verifying information concerning a franchise.

This assessment is based on the Disclosure Document that all franchisors are required to provide to franchisees to comply with under the *Competition and Consumer (Industry Codes—Franchising) Regulation 2014*, Select Legislative Instrument No. 168, 2014 (see link under 5 below)

You are required to present this material in class in weeks 11 and 12 in your pairs, and to hand in your individual written advice by 12 noon Thursday of Week 12 via Turnitin and email (to jm.buchan@unsw.edu.au).

Division 2.1 of The Franchising Code of Conduct states that:

10 Franchisee or prospective franchisee to give advice to franchisor before entering into franchise agreement

(1) The franchisor must not:

- (a) enter into a franchise agreement; or
- (b) renew or transfer a franchise agreement; or
- (c) extend the term or scope of a franchise agreement; or
- (d) enter into an agreement to:
 - (i) enter into a franchise agreement; or
 - (ii) renew or transfer a franchise agreement; or
 - (iii) extend the term or scope of a franchise agreement; or
- (e) receive a non-refundable payment (whether of money or of other valuable consideration) under a franchise agreement or an agreement to enter into a franchise agreement;

unless the franchisor has received from the franchisee or prospective franchisee a written statement that the franchisee or prospective franchisee has received, read and had a reasonable opportunity to understand the disclosure document and this code.

(2) Before a franchise agreement is entered into, the franchisor must have received from the prospective franchisee:

- (a) signed statements, that the prospective franchisee has been given advice about the proposed franchise agreement or franchised business, by:
 - (i) an independent legal adviser; or
 - (ii) an independent business adviser; or
 - (iii) an independent accountant; or
- (b) for each kind of statement not received under paragraph (a), a signed statement by the prospective franchisee that the prospective franchisee:
 - (i) has been given that kind of advice about the proposed franchise agreement or franchised business; or
 - (ii) has been told that that kind of advice should be sought but has decided not to seek it.

You and your pair are advisors who have been approached by a franchisee to sign the statement in Division 2.1 clause 10(2)(a) above.

You must conduct due diligence on that franchisor by attempting to provide every piece of information the franchisor itself would be required to supply to comply with the Disclosure requirements of the Franchising Code of Conduct.

Each pair of student advisors must select one franchisor from the list below to be the subject of your advice.

Aroma Cafe	Bakers Delight
First Class Accounts	Ella Bache
Pizza Capers	Clark Rubber
Smartline	InXpress
Soul Origin	Poolwerx

Specsavers	Paleo Café
The Cheesecake Shop	VIP Home Services
The Tea and Coffee Merchant	Roll'd
Hotondo	

Written advice: Information about your franchise must be disclosed under 23 Item headings. In your pair you must divide the task approximately in half.

You must both provide answers to disclosure Items 1 and 2.

You must allocate items 3 to 23 so that each item is covered. Each of you must then compile half of the remaining information required (Items 3 to 23).

You **MUST** identify which student is responsible for EACH ITEM and submit your information individually as your own assignment.

As an individual you must **also** answer the 3 questions below, basing your answer on what you have discovered through the entire due diligence exercise.

1. Complete your agreed sections of the information in the Franchising Code of Conduct 2014 Disclosure document as it relates to your franchisor. (10 marks).
You will find a link to a template for a Model Disclosure Document here <https://www.accc.gov.au/publications/franchisor-compliance-manual>
2. As you progress through your research you may discover information that does not fit into any of the required items, but nevertheless seems to be important. Make a list of the information and its source and write a short consideration as to whether, in your opinion as a potential franchisee's professional adviser, it would be important for the franchisee to know the information before signing the franchise agreement. (10 marks)
3. Identify any further information that as a legal or accounting or business adviser is not required to be provided in the disclosure document but that you would wish to know before you recommended your client sign, or not sign, the franchise agreement. (15 marks)

Oral advice: Present your findings in class in weeks 11 or 12. Both students must be involved in the presentation.

4. Based on what you and your partner now know about the franchised business do you recommend your client should invest in it, or not? Explain why/ why not? (5 marks).

Rules:

- You may not ask the franchisor for the information.
- You may not ask a current franchisee for the information.
- You may not buy any searches or other information.

- If there is information that you could find if you were prepared to pay for it you are required to identify the source (by- eg - providing the appropriate link to a website) and to state in dollars and cents the cost of the material you would want to access.
- If you cannot find material about a particular item please write “could not verify” next to the item number and move on. You will lose marks if you write ‘could not verify’ and the lecturer is able to verify the information.
- You must footnote every entry. Ie: clearly identify the source of the information by making a note at the end of the page where it appears using the ‘insert footnote’ function under the references section of your computer.

Suggested sources of information.

This list will serve as a starting point.

UNSW electronic databases accessible through library; including:

- factiva,
- casebase
- LexisNexis
- annual reports of listed and unlisted public companies (sometimes these are franchisors or they own franchisors)
- IBISWorld Franchising in Australia - X0002 opened report

Franchisor’s websites

- LinkedIn
- ACCC website
- ASIC website
- Fair Work Australia website
- IPAustralia website

Assessment 4: Ethics and sustainability

This reflection is to be posted on Moodle by 5pm on Friday of Week 12.

Identify a total of 3 ethical issues and/or questionable environmental sustainability challenges for *any 2 franchises in Australia (but NOT the one you have conducted due diligence on)* and propose ways to improve the ethical standards and reduce the environmental footprint in Australia of those franchise systems. (15 marks allocated as to 5 marks for each issue)

4.3 Assessment Format

All written work must be spell checked, presented in 12 point font and have 1.5 spacing. Where possible, please print on both sides of the page.

NOTE: You will lose marks for poor grammar and spelling. ‘Wanna’, ‘canna’, ‘gunna’ and similar words are not part of the written English language. You will lose marks if you use them in assignments and please do not use them in emails either.

4.4 Late Submission

10% of the possible marks for an assessment will be deducted per day or part thereof for late submissions unless you have the lecturer’s prior written consent. Please note: penalty marks will be imposed immediately after the due date. Any paper submitted 5 or more days late (that is, 5 or more days after the due date) will not be marked and you will be awarded a score of zero.

Quality Assurance

The Business School is actively monitoring student learning and quality of the student experience in all its programs. A random selection of completed assessment tasks may be used for quality assurance, such as to determine the extent to which program learning goals are being achieved. The information is required for accreditation purposes, and aggregated findings will be used to inform changes aimed at improving the quality of Business School programs. All material used for such processes will be treated as confidential.

5 COURSE RESOURCES

5.1 Textbook

Jenny Buchan, *Franchisees as Consumers: Benchmarks, Perspectives and Consequences* Springer, 2013 (Referred to as 'Buchan' in the course Schedule) <http://www.springer.com/economics/book/978-1-4614-5613-1> There is an electronic copy in the UNSW library

5.2 Legislation

- Competition and Consumer Act, 2010 <https://www.comlaw.gov.au/Details/C2013C00004>
- Competition and Consumer (Industry Codes—Franchising) Regulation 2014 known as the Franchising Code of Conduct 2014 <https://www.comlaw.gov.au/Details/F2014L01472>
- Copyright Act 1968 (Cth) <https://www.comlaw.gov.au/Details/C2015C00586>
- Corporations Act, 2001 http://www.austlii.edu.au/au/legis/cth/consol_act/ca2001172/
- See especially Chapter 5.
- Personal Property Securities Act 2009 <https://www.comlaw.gov.au/Details/C2011C00950>
- Restraints of Trade Act 1976 (NSW)
- Trade Marks Act 1965 <https://www.comlaw.gov.au/Details/C2015C00365>

5.3 Other resources

- Atwell, C., Contract law changes leave franchisees vulnerable, *The Conversation*, 2016 <https://theconversation.com/contract-law-change-leaves-franchisees-vulnerable-52966>
- Australasian Legal Information Institute <http://www.austlii.edu.au>
- Australian Competition and Consumer Commission – has information for franchisors and franchisees www.accc.gov.au
- Australian Securities and Investments Commission - [Asic](http://www.asic.gov.au)
- Bluemaumau www.bluemaumau.org
- Buchan, Frazer, Qu and Nicholls, 'Franchisor Insolvency in Australia: Profiles, Factors, and Impacts', *Journal of Marketing Channels*, 22(4) 2015, 311-332. <http://www.tandfonline.com/doi/full/10.1080/1046669X.2015.1113487>

- Buchan, J. Franchising: A honey pot in a bear trap, *Adelaide Law Review*.
<https://www.adelaide.edu.au/press/journals/law-review/issues/alr-vol-34-2/alr-34-2-ch4.pdf>
- EC Spencer (ed), Relational Rights and Responsibilities: Perspectives on Contractual Arrangements in Franchising *Bond University Press*, Australia, 2011.
- Elizabeth Crawford Spencer. The regulation of franchising in the new global economy *Edward Elgar*, 2010. See electronic copy in the UNSW library
- *Franchising Australia* biannual surveys for 2008 - 16: accessible by searching on google
- Frazer and Buchan, 'It Really Pays For Franchisees to do their Due Diligence; Here's How' <https://theconversation.com/it-really-pays-for-franchisees-to-do-their-due-diligence-heres-how-49297>
- Hadfield, 'Problematic Relations: Franchising and the Law of Incomplete Contracts' (1990) 42 *Stanford Law Review* 927, 942
- IBISWorld report (franchising) – accessible through UNSW library
- IPAustralia.gov.au – for information re registered trademarks
- Office of the Franchise Mediation Advisor
- Schaper and Buchan, 'Franchising in Australia: A History' *International Journal of Franchising Law* (2014) 12(4) 3-23
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2515179
- The Conversation – search under 'franchise'
<https://theconversation.com/au/business>

5.4 Cases

See list on Moodle

6 COURSE EVALUATION AND DEVELOPMENT

Each year feedback is sought from students and other stakeholders about the courses offered in the School and continual improvements are made based on this feedback. UNSW's myExperience survey is one of the ways in which student evaluative feedback is gathered. In this course, we will seek your feedback through end of semester myExperience responses.

Feedback has indicated students would like a textbook and that they found the due diligence to be very-valuable, but time consuming.

I suggest you will find my book covers many aspects of the course, and that you get onto the due diligence assessment as soon as you have been allocated into pairs.

7 COURSE SCHEDULE

Lectures and tutorials start in Week 1 and finish in Week 12. There may be some alteration to the order of topics to accommodate the availability of guest lecturers.

Date	Topic	References
Week 1 2 March	History & development The business format model	M Schaper, J Buchan, 2014, 'Franchising in Australia: A History' <i>International Journal of Franchising Law</i> , vol. 12, no. 4, pp. 3 – 23

	Economic, social significance	
Week 2 9 March	The Legal and Regulatory Framework	<i>Australian Consumer Law (ACL)</i> is found in Competition and Consumer Act, 2010 ('CCA') <i>Schedule 2</i> <i>Franchising Code of Conduct, 2014</i>
Week 3 16 March	Franchise agreements Unfair contract terms under the ACL	J Buchan ' <i>Franchisees as Consumers: Benchmarks, perspectives and Consequences</i> ' Springer, 2013, Chapter 3 ('Buchan') ACCC https://www.accc.gov.au/business/business-rights-protections/unfair-contract-terms C Atwell 'Contract law changes leave franchisees vulnerable' <i>The Conversation</i> , 2016 https://theconversation.com/contract-law-change-leaves-franchisees-vulnerable-52966
Week 4 23 March	Presentations of franchise agreement clauses	
Week 5 30 March	Property ✓ Copyright ✓ Trademarks and passing off ✓ Real property ✓ Personal property securities	www.IPAustralia.gov.au <i>Trade Marks Act 1995</i> (Cth) CCA re passing off Buchan, Chapter 3 <i>Personal Property Securities Act 2009</i> (Cth)
Week 6 06 April	Waiting and cooling off under the Franchising Code of Conduct	C Atwell, 'Cooling off periods in franchise contracts: from consumer protection mechanisms to paternalistic remedies for behavioural biases' De Gruyter, 2015 (copy on Moodle) Weeks 6 – 9 students present case notes
Week 7 13 April	Restraint of trade/non-competition covenants What determines whether a person is a franchisee or an employee? And why is this important?	<i>Restraints of Trade Act 1976</i> (NSW) D J Kaufmann, F N Soler, B H Permesly and D A Cohen 'A franchisor is not the employer of its franchisees or their employees' <i>Franchise Law Journal</i> . 34.4 (Spring 2015): p439. (note = the position in the USA) Buchan, Chapter 4 Weeks 6 – 9 students present case notes
Mid-semester break: Friday 14 – Saturday 22 April inclusive		
Week 8 27 April	Relationships and Pricing – not breaching CCA	CCA

	Franchise advisory councils (FACs)	A C Selden 'Beyond the law and contracts: Strategies for effective franchise relationship self-management' in Spencer (ed), <i>Relational Rights and Responsibilities</i> Pp 157-178. (on Moodle) Weeks 6 – 9 students present case notes
Week 9 4 May	Disputes and dispute resolution The role of Fair Work Australia	Franchising Code Part 4 Fair Work Commission https://www.fwc.gov.au/search/site?query=franchise Weeks 6 – 9 students present case notes
Week 10 11 May	Equity issues ✓ Good Faith ✓ Unconscionable Conduct	Franchising Code, Part 1 Division 3 CCA, Schedule 2 Australian Consumer Law Chapter 2
Week 11 18 May	Franchisor and franchisee failure	<i>Corporations Act 2001</i> , Chapter 5 Buchan, 'Honey Pot in a Bear Trap' article in <i>Adelaide Law Review</i> https://www.adelaide.edu.au/press/journals/law-review/issues/alr-vol-34-2/alr-34-2-ch4.pdf Buchan J; Frazer L; Zhen Qu C; Nicholls R, 2015, 'Franchisor Insolvency in Australia: Profiles, Factors, and Impacts' <i>Journal of Marketing Channels</i> , vol. 22, 311 - 332, http://dx.doi.org/10.1080/1046669X.2015.1113487
Week 12 25 May	Presentations of Assessment 3 (in pairs)	Hand in Assessment 3 by 5pm Thursday Hand in Assessment 4 by 5pm Friday
Week 13 1 June	No class	

PART B: KEY POLICIES, STUDENT RESPONSIBILITIES AND SUPPORT

8 PROGRAM LEARNING GOALS AND OUTCOMES

The Business School Program Learning Goals reflect what we want all students to BE or HAVE by the time they successfully complete their degree, regardless of their individual majors or specialisations. For example, we want all our graduates to HAVE a high level of business knowledge, and a sound awareness of ethical, social, cultural and environmental implications of business. As well, we want all our graduates to BE effective problem-solvers, communicators and team participants. These are our overall learning goals for you and are sought after by employers.

You can demonstrate your achievement of these goals by the specific outcomes you achieve by the end of your degree (e.g. be able to analyse and research business problems and propose well-justified solutions). Each course contributes to your development of two or more program learning goals/outcomes by providing opportunities for you to practise these skills and to be assessed and receive feedback.

Program Learning Goals for undergraduate and postgraduate students cover the same key areas (application of business knowledge, critical thinking, communication and teamwork, ethical, social and environmental responsibility), which are key goals for all Business students and essential for success in a globalised world. However, the specific outcomes reflect different expectations for these levels of study.

We strongly advise you to choose a range of courses which assist your development of these skills, e.g., courses assessing written and oral communication skills, and to keep a record of your achievements against the Program Learning Goals as part of your portfolio.

Business Undergraduate Program Learning Goals and Outcomes

1. Knowledge: Our graduates will have in-depth disciplinary knowledge applicable in local and global contexts.

You should be able to select and apply disciplinary knowledge to business situations in a local and global environment.

2. Critical thinking and problem solving: Our graduates will be critical thinkers and effective problem solvers.

You should be able to identify and research issues in business situations, analyse the issues, and propose appropriate and well-justified solutions.

3. Communication: Our graduates will be effective professional communicators.

You should be able to:

- a. Prepare written documents that are clear and concise, using appropriate style and presentation for the intended audience, purpose and context, and
- b. Prepare and deliver oral presentations that are clear, focused, well-structured, and delivered in a professional manner.

4. Teamwork: Our graduates will be effective team participants.

You should be able to participate collaboratively and responsibly in teams, and reflect on your own teamwork, and on the team's processes and ability to achieve outcomes.

5. Ethical, social and environmental responsibility: Our graduates will have a sound awareness of the ethical, social, cultural and environmental implications of business practice.

You will be able to:

- a. Identify and assess ethical, environmental and/or sustainability considerations in business decision-making and practice, and
- b. Identify social and cultural implications of business situations.

9 ACADEMIC HONESTY AND PLAGIARISM

The University regards plagiarism as a form of academic misconduct, and has very strict rules regarding plagiarism. For UNSW policies, penalties, and information to help you avoid plagiarism see: <https://student.unsw.edu.au/plagiarism> as well as the guidelines in the online ELISE tutorials for all new UNSW students: <http://subjectguides.library.unsw.edu.au/elise>

To see if you understand plagiarism, do this short quiz:
<https://student.unsw.edu.au/plagiarism-quiz>

For information on how to acknowledge your sources and reference correctly, see: The Australian Guide to Legal Citation, 3rd edition.
https://law.unimelb.edu.au/_data/assets/pdf_file/0007/1586203/FinalOnlinePDF-2012Reprint.pdf

NOTE The Harvard system of referencing is NOT acceptable in this subject. Any student using it will lose 5% of the marks earned on the assessment.

10 STUDENT RESPONSIBILITIES AND CONDUCT

Students are expected to be familiar with and adhere to university policies in relation to class attendance and general conduct and behaviour, including maintaining a safe, respectful environment; and to understand their obligations in relation to workload, assessment and keeping informed.

Information and policies on these topics can be found in UNSW Current Students 'Managing your Program' webpages: <https://student.unsw.edu.au/program>.

10.1 Workload

It is expected that you will spend at least **nine to ten hours** per week studying this course. This time should be made up of reading, research, working on exercises and problems, online activities and attending classes. In periods where you need to complete assignments or prepare for examinations, the workload may be greater. Over-commitment has been a cause of failure for many students. You should take the required workload into account when planning how to balance study with employment and other activities.

We strongly encourage you to connect with your **Moodle course websites** in the **first week of semester**. Local and international research indicates that students who engage early and often with their course website are more likely to pass their course.

Information on expected workload: <https://student.unsw.edu.au/uoc>

10.2 Attendance

Your regular and punctual attendance at lectures and seminars or in online learning activities is expected in this course. University regulations indicate that if students attend less than 80% of scheduled classes they may be refused final assessment. For more information, see: <https://student.unsw.edu.au/attendance>

10.3 General Conduct and Behaviour

You are expected to conduct yourself with consideration and respect for the needs of your fellow students and teaching staff. Conduct which unduly disrupts or interferes with a class, such as ringing or talking on mobile phones, is not acceptable and students may be asked to leave the class. More information on student conduct is available at: <https://student.unsw.edu.au/conduct>

10.4 Health and Safety

UNSW Policy requires each person to work safely and responsibly, in order to avoid personal injury and to protect the safety of others. For more information, see <http://safety.unsw.edu.au/>.

10.5 Keeping Informed

You should take note of all announcements made in lectures, tutorials or on the course web site. From time to time, the University will send important announcements to your university e-mail address without providing you with a paper copy. You will be deemed to have received this information. It is also your responsibility to keep the University informed of all changes to your contact details.

11 SPECIAL CONSIDERATION

For UG and PG courses:

You must submit all assignments for your course. You should seek assistance early if you suffer illness or misadventure which affects your course progress.

General Information on Special Consideration for undergraduate and postgraduate courses:

1. All applications for special consideration must be **lodged online through myUNSW within 3 working days of the assessment** (Log into myUNSW and go to My Student Profile tab > My Student Services > Online Services > Special Consideration). You will then need to submit the originals or certified copies of your completed Professional Authority form (pdf - download here) and other supporting documentation to Student Central. For more information, please study carefully in advance the instructions and conditions at: <https://student.unsw.edu.au/special-consideration>
2. Please note that documentation may be checked for authenticity and the submission of false documentation will be treated as academic misconduct. The School may ask to see the original or certified copy.
3. Applications will **not** be accepted by teaching staff. The lecturer-in-charge will be automatically notified when you lodge an online application for special consideration.
4. Decisions and recommendations are only made by lecturers-in-charge (or by the Faculty Panel in the case of final exam special considerations), **not** by tutors.
5. Applying for special consideration **does not** automatically mean that you will be granted a supplementary exam or other concession.
6. Special consideration requests **do not allow** lecturers-in-charge to award students additional marks.

Business School Protocol on requests for Special Consideration for Final Exams:

The lecturer-in-charge will need to be satisfied on each of the following before supporting a request for special consideration:

1. Does the medical certificate contain all relevant information? For a medical certificate to be accepted, the degree of illness, and impact on the student, must be stated by the medical practitioner (severe, moderate, mild). A certificate without this will not be valid.
2. Has the student performed satisfactorily in the other assessment items? Satisfactory performance would require at least meeting the requirements set out in Part A 4.1.
3. Does the student have a history of previous applications for special consideration? A history of previous applications may preclude a student from being granted special consideration.

Special Consideration and the Final Exam in undergraduate and postgraduate courses:

Applications for special consideration in relation to the final exam are considered by a Business School Faculty panel to which lecturers-in-charge provide their recommendations for each request. If the Faculty panel grants a special consideration request, this will entitle the student to sit a supplementary examination. No other form of consideration will be granted. The following procedures will apply:

1. Supplementary exams will be scheduled centrally and will be held approximately two weeks after the formal examination period. The dates for Business School supplementary exams for Semester 1, 2017 are:

Tuesday 11 July 2017	Exams for the School of Accounting, Marketing
Wednesday 12 July 2017	Exams for the School of Banking and Finance, Management, Risk and Actuarial Studies
Thursday 13 July 2017	Exams for the School of Economics, Taxation and Business Law, Information Systems

If a student lodges a special consideration for the final exam, they are stating they will be available on the above dates. **Supplementary exams will not be held at any other time.**

2. Where a student is granted a supplementary examination as a result of a request for special consideration, the student's original exam (if completed) will be ignored and only the mark achieved in the supplementary examination will count towards the final grade. Absence from a supplementary exam without prior notification does not entitle the student to have the original exam paper marked, and may result in a zero mark for the final exam.

The Supplementary Exam Protocol for Business School students is available at: <http://www.business.unsw.edu.au/suppexamprotocol>

Special Consideration and assessments other than the Final Exam in undergraduate and postgraduate courses:

Apply to the Lecturer in Charge in writing before the due date of all tasks worth less than 20%. Tasks worth 20% or over should go through the online system in myUNSW.

12 STUDENT RESOURCES AND SUPPORT

The University and the Business School provide a wide range of support services for students, including:

- **Business School Education Development Unit (EDU)**
<https://www.business.unsw.edu.au/students/resources/learning-support>
The EDU offers academic writing, study skills and maths support specifically for Business students. Services include workshops, online resources, and individual consultations. EDU Office: Level 1, Room 1033, Quadrangle Building. Phone: 9385 7577 or 9385 4508; Email: edu@unsw.edu.au.
- **Business Student Centre**
<https://www.business.unsw.edu.au/students/resources/student-centre>
Provides advice and direction on all aspects of admission, enrolment and graduation. Office: Level 1, Room 1028 in the Quadrangle Building; Phone: 9385 3189.
- **Moodle eLearning Support**
For online help using Moodle, go to: <https://student.unsw.edu.au/moodle-support>. For technical support, email: itservicecentre@unsw.edu.au; Phone: 9385 1333.
- **UNSW Learning Centre**
www.lc.unsw.edu.au
Provides academic skills support services, including workshops and resources, for all UNSW students. See website for details.
- **Library services and facilities for students**
<https://www.library.unsw.edu.au/study/services-for-students>
- **IT Service Centre:**
<https://www.it.unsw.edu.au/students/index.html>
Provides technical support to troubleshoot problems with logging into websites, downloading documents, etc. Office: UNSW Library Annexe (Ground floor). Phone: 9385 1333.
- **UNSW Counselling and Psychological Services**
<https://student.unsw.edu.au/wellbeing>
Provides support and services if you need help with your personal life, getting your academic life back on track or just want to know how to stay safe, including free, confidential counselling. Office: Level 2, East Wing, Quadrangle Building; Phone: 9385 5418; Email: counselling@unsw.edu.au
- **Disability Support Services**
<https://student.unsw.edu.au/disability>
Provides assistance to students who are trying to manage the demands of university as well as a health condition, learning disability or have personal circumstances that are having an impact on their studies. Office: Ground Floor, John Goodsell Building; Phone: 9385 4734; Email: disabilities@unsw.edu.au