UNSW Course Outline

JURD7337 Australian Consumer Law - 2024

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General Course Information

Course Code : JURD7337
Year : 2024
Term : Term 3
Teaching Period : T3
Is a multi-term course? : No
Faculty : Faculty of Law and Justice
Academic Unit : School of Private and Commercial Law
Delivery Mode : In Person
Delivery Format : Standard
Delivery Location : Kensington
Campus : Sydney
Study Level : Postgraduate
Units of Credit : 6

<u>Useful Links</u>

<u>Handbook</u> <u>Class Timetable</u>

Course Details & Outcomes

Course Description

The Australian Consumer Law is contained in the Competition and Consumer Act, and operates as a law of the Commonwealth, and as a law of each of the states and territories by separate State and Territory application legislation. It contains the former Trade Practices Act Consumer

Protection provisions, as well as new laws on unfair contract terms, product safety, consumer guarantees law, lay-by sales, unsolicited selling and new penalties and enforcement powers for the ACCC and state and territory agencies. These laws are now consistent across all jurisdictions, and enforceable in each. Many concepts from the former Trade Practices Act are still relevant, and although some have been redrafted to comply with newer style this is not intended to alter their legal effect.

Course Aims

The aims of the course are:

- to acquaint students with the rationale for, and implementation of, consumer protection in both a static and on-going sense;
- to acquaint students with critical legal concepts such as misleading or deceptive conduct, and their use in the context of the ACL;
- to develop skills in analysing and applying legal principles in the context of the ACL, enabling them to apply their prohibitions of in a commercial context;
- to stimulate students to communicate intelligently and articulately on the topic of consumer law;
- to form views about the effectiveness of existing controls and the need for further regulation.

Relationship to Other Courses

This course complements other core courses in areas of private law such as the law of contract and is an introduction to many other fields of law you may choose to pursue during your undergraduate studies. This course will provide you with the necessary foundations to appreciate the regime of consumer protection provided in the *Australian Consumer Law* which impacts both consumers and businesses.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : demonstrate a detailed understanding of the theory and process behind the Australian Consumer Law (PLO 1)
CLO2 : demonstrate a detailed understanding of the scope of the prohibition on misleading or deceptive conduct (PLO 4)
CLO3 : apply the theoretical framework of the Australian Consumer Law to particular conduct (PLO 4)
CLO4 : demonstrate a detailed understanding of the roles of the ACCC and other regulators and the powers they have to investigate and enforce (PLO 7)
CLO5 : demonstrate a detailed understanding of the remedies available to private litigants (PLO 1)
CLO6 : by participation in class and completion of the research essay, develop communication skills in arguing a case for a consumer or business under the ACL. (PLOs 9, 11)

Course Learning Outcomes	Assessment Item
CLO1 : demonstrate a detailed understanding of the theory and process behind the Australian Consumer Law (PLO 1)	• Take home Research Essay
CLO2 : demonstrate a detailed understanding of the scope of the prohibition on misleading or deceptive conduct (PLO 4)	• Take home Research Essay
CLO3 : apply the theoretical framework of the Australian Consumer Law to particular conduct (PLO 4)	• Class participation • Group work • Take home Research Essay
CLO4 : demonstrate a detailed understanding of the roles of the ACCC and other regulators and the powers they have to investigate and enforce (PLO 7)	• Group work • Take home Research Essay
CLO5 : demonstrate a detailed understanding of the remedies available to private litigants (PLO 1)	• Group work • Take home Research Essay
CLO6 : by participation in class and completion of the research essay, develop communication skills in arguing a case for a consumer or business under the ACL. (PLOs 9, 11)	• Class participation • Group work

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class participation Assessment Format: Individual	20%	Start Date: Ongoing Due Date: Ongoing
Group work Assessment Format: Group	30%	
Take home Research Essay Assessment Format: Individual	50%	

Assessment Details
Class participation

<u>Assessment Overview</u>

This assessment requires you to prepare for and actively engage in class-based and online activities.

<u>Course Learning Outcomes</u>

- CLO3 : apply the theoretical framework of the Australian Consumer Law to particular conduct (PLO 4)
- CLO6 : by participation in class and completion of the research essay, develop communication skills in arguing a case for a consumer or business under the ACL. (PLOs 9, 11)

<u>Generative AI Permission Level</u>

Not Applicable

Generative AI is not considered to be of assistance to you in completing this assessment. If you do use generative AI in completing this assessment, you should attribute its use.

For more information on Generative AI and permitted use please see here.

Group work

<u>Assessment Overview</u>

This assessment requires you to work collaboratively to deliver a presentation.

<u>Course Learning Outcomes</u>

- CLO3 : apply the theoretical framework of the Australian Consumer Law to particular conduct (PLO 4)
- CLO4 : demonstrate a detailed understanding of the roles of the ACCC and other regulators and the powers they have to investigate and enforce (PLO 7)
- CLO5 : demonstrate a detailed understanding of the remedies available to private litigants (PLO 1)
- CLO6 : by participation in class and completion of the research essay, develop communication skills in arguing a case for a consumer or business under the ACL. (PLOs 9, 11)

<u>Detailed Assessment Description</u>

Groups will be generated by the Random Group Generator site.

<u>Assignment submission Turnitin type</u>

This assignment is submitted through Turnitin and students do not see Turnitin similarity

reports.

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation.

Take home Research Essay

Assessment Overview

This assessment requires you to write a research essay.

Course Learning Outcomes

- CLO1 : demonstrate a detailed understanding of the theory and process behind the Australian Consumer Law (PLO 1)
- CLO2 : demonstrate a detailed understanding of the scope of the prohibition on misleading or deceptive conduct (PLO 4)
- CLO3 : apply the theoretical framework of the Australian Consumer Law to particular conduct (PLO 4)

- CLO4 : demonstrate a detailed understanding of the roles of the ACCC and other regulators and the powers they have to investigate and enforce (PLO 7)
- CLO5 : demonstrate a detailed understanding of the remedies available to private litigants (PLO 1)

Detailed Assessment Description

This research essay is worth 50 percent of the final mark for Australian Consumer Law. These instructions, research essay questions, criteria and feedback rubric are available on Moodle.

Assessment Length

2,500 words exclusive of footnotes

Generative AI Permission Level

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General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the

section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

<u>Grading Basis</u>

Standard

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Seminar	Introduction to the Australian Consumer Law
Week 2 : 16 September - 22 September	Seminar	Misleading or Deceptive Conduct
Week 3 : 23 September - 29 September	Seminar	Unconscionable Conduct
Week 4 : 30 September - 6 October	Seminar	Unfair Contract Terms Law
Week 5 : 7 October - 13 October	Seminar	Consumer Guarantees
Week 6 : 14 October - 20 October	Other	Reading week - no class

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

Alex Bruce, *Consumer Protection Law in Australia* (LexisNexis, 4th ed, 2022).

Recommended Resources

Jeannie Marie Paterson, *Corones' Australian Consumer Law* (Lawbook Co, 5th ed, 2023).

Philip Clarke and Sharon Erbacher, *Australian Consumer Law: Commentary and Materials* (Lawbook Co, 7th ed, 2022).

Adrian Coorey, *Australian Consumer Law:* The Comprehensive Guide (Jurisprudentia, 2021)

Colin Lockhart, *The Law of Misleading Conduct* (LexisNexis Butterworths, 5th ed, 2023).

Michelle Sharpe, *Unconscionable Conduct in Australian Consumer and Commercial Contracts* (LexisNexis, 2nd ed, 2018).

Paul Vout, *Unconscionable Conduct: The Laws in Australia* (Lawbook Co, 3rd ed, 2017).

Course Evaluation and Development

Course feedback is an important process that UNSW Law values which assist in course development and improvement. The course is regularly revised and takes into account feedback received from students, and the course will be monitored and improved on this basis. Specifically, the structure and appearance of the course Moodle page is newly developed to provide for an interactive and enjoyable learning experience. Content is communicated effectively using different modes. Besides a concise introduction to each week's topic in Moodle, information is provided via links to primary and secondary materials, flowcharts, Q & A mode, quizzes and podcasts where suitable. Improvements have also been made in line with the University's broader changes to Moodle this year in response to student feedback about the course's online environment.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	May Cheong					Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

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that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: https://www.student.unsw.edu.au/support
- Academic Skills and Support: https://student.unsw.edu.au/academic-skills
- Student Wellbeing, Health and Safety: https://student.unsw.edu.au/wellbeing
- Equitable Learning Services: https://student.unsw.edu.au/els
- UNSW IT Service Centre: https://www.myit.unsw.edu.au

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this

course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact Nucleus Student Hub for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.