



Law

LAWCOMM 457 : Consumer Law (15 POINTS)

Course Prescription

An in-depth examination of selected aspects of consumer law, including (but not limited to) misleading and deceptive conduct, other unfair practices, unfair contract terms in standard form consumer contracts, consumer guarantees and uninvited direct sales.

Course Overview

This course will consider the particular vulnerabilities of consumers, the theoretical rationales for consumer law and the panoply of regulatory techniques that can be deployed in the protection of consumers. There will be a particular focus on: misleading or deceptive conduct under s 9 of the Fair Trading Act 1986 (FTA); other instances of unfair conduct under Part 1, FTA; consumer guarantees in respect of goods and services under the Consumer Guarantees Act 1993; unfair contract terms in standard form contracts under ss 46H-46M, FTA; layby sale agreements under ss 36B-J, FTA; uninvited direct sale agreements under ss 36K-S, FTA; enforcement and remedies.

Course Requirements

Prerequisite: LAW 201, 211, 241

Capabilities Developed in this Course

- Capability 1: Disciplinary Knowledge and Practice
- Capability 2: Critical Thinking
- Capability 3: Solution Seeking
- Capability 4: Communication and Engagement
- Capability 5: Independence and Integrity
- Capability 6: Social and Environmental Responsibilities

Graduate Profile: [Bachelor of Laws](#)

Learning Outcomes

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

1. Identify and evaluate the underlying theoretical justifications for consumer law and demonstrate an understanding of the origins and development of consumer protection legislation against the background of the general law of contract, tort and equity. (Capability 1.1, 2.2, 4.1 and 6.2)
2. Articulate and apply statutory consumer protection provisions to factual scenarios (involving, in particular, the advertising, marketing and sale of goods and services and consumer credit products) in order to reach reasoned solutions and make reasoned recommendations. (Capability 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 4.1 and 5.1)
3. Demonstrate an understanding of the roles and powers of consumer regulators, and consumer dispute resolution methods and processes. (Capability 1.1, 1.3 and 3.1)
4. Evaluate and reflect on current law and reform proposals, demonstrating effective research and written communication skills. (Capability 1.1, 2.3, 3.1, 3.2, 3.3, 4.1, 4.2, 5.1 and 5.2)

Assessments

Assessment Type	Percentage	Classification
Quiz 1	15%	Individual Coursework
Quiz 2	15%	Individual Coursework
Final Exam	70%	Individual Examination
3 types	100%	

Assessment Type	Learning Outcome Addressed			
	1	2	3	4
Quiz 1	✓	✓	✓	
Quiz 2	✓	✓	✓	
Final Exam	✓	✓	✓	✓

In addition to the items of assessments outlined above, there will be a compulsory, unmarked research exercise on the theme, 'Consumers and Covid.' The findings of this exercise will be used to inform an interactive class seminar on recent consumer law issues. There will be no individual feedback on this exercise but general feedback will be given in that session. All students must submit this assignment to be eligible to complete the course. This formative assessment is designed to assist students in their learning experience.

Workload Expectations

This is a standard 15-point course. There will be around 36 hours of lectures in this course. As a general guide, you should expect a workload of three hours outside of the classroom for each hour spent in class. The guideline for the total workload for this course is 150 hours.

Delivery Mode

Campus Experience

Attendance is expected at scheduled activities ie lectures and interactive seminars. Lectures and seminars will be recorded. However, your learning will be strongly enhanced by attendance. Moreover, lectures and seminars will include learning activities that may not be picked up on recordings. Attendance on campus is required for the final exam.

Learning Resources

Legislation:

Students will also need to refer to the following pieces of legislation:

Fair Trading Act 1986

Consumer Guarantees Act 1993

Recommended text:

There is no prescribed text, but the following is recommended:

K Tokeley (ed), *Consumer Law in New Zealand* (2nd ed, LexisNexis, Wellington, 2014).

Students may also find the following helpful:

D Wilson, *The Fair Trading Act Handbook* (LexisNexis, Wellington, 2018)

Student Feedback

At the end of every semester students will be invited to give feedback on the course and teaching through a tool called SET or Qualtrics. The lecturers and course co-ordinators will consider all feedback and respond with summaries and actions.

Your feedback helps teachers to improve the course and its delivery for future students.

Class Representatives in each class can take feedback to the department and faculty staff-student consultative committees.

Other Information

The course is taught through a combination of lectures and interactive seminars

Office hours will be advised during lectures. Office hours are a good opportunity to clarify any areas of confusion.

Digital Resources

Course materials are made available in a learning and collaboration tool called Canvas which also includes reading lists and lecture recordings (where available).

Please remember that the recording of any class on a personal device requires the permission of the instructor.

Academic Integrity

The University of Auckland will not tolerate cheating, or assisting others to cheat, and views cheating in coursework as a serious academic offence. The work that a student submits for grading must be the student's own work, reflecting their learning. Where work from other sources is used, it must be properly acknowledged and referenced. This requirement also applies to sources on the internet. A student's assessed work may be reviewed against online source material using computerised detection mechanisms.

Inclusive Learning

All students are asked to discuss any impairment related requirements privately, face to face and/or in written form with the course director, lecturer or tutor.

Student Disability Services also provides support for students with a wide range of impairments, both visible and invisible, to succeed and excel at the University. For more information and contact details, please visit the [Student Disability Services' website](http://disability.auckland.ac.nz) <http://disability.auckland.ac.nz>

Special Circumstances

If your ability to complete assessed coursework is affected by illness or other personal circumstances outside of your control, contact a Student Academic and Support Adviser as soon as possible before the assessment is due.

If your personal circumstances significantly affect your performance, or preparation, for an exam or eligible written test, refer to the University's [aegrotat or compassionate consideration page](https://www.auckland.ac.nz/en/students/academic-information/exams-and-final-results/during-exams/aegrotat-and-compassionate-consideration.html) <https://www.auckland.ac.nz/en/students/academic-information/exams-and-final-results/during-exams/aegrotat-and-compassionate-consideration.html>.

This should be done as soon as possible and no later than seven days after the affected test or exam date.

Learning Continuity

In the event of an unexpected disruption we undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not compromised. Some adjustments may need to be made in emergencies. You will be kept fully informed by your course co-ordinator, and if disruption occurs you should refer to the University Website for information about how to proceed.

Student Charter and Responsibilities

The Student Charter assumes and acknowledges that students are active participants in the learning process and that they have responsibilities to the institution and the international community of scholars. The University expects that students will act at all times in a way that demonstrates respect for the rights of other students and staff so that the learning environment is both safe and productive. For further information visit [Student Charter](https://www.auckland.ac.nz/en/students/forms-policies-and-guidelines/student-policies-and-guidelines/student-charter.html) <https://www.auckland.ac.nz/en/students/forms-policies-and-guidelines/student-policies-and-guidelines/student-charter.html>.

Disclaimer

Elements of this outline may be subject to change. The latest information about the course will be available for enrolled students in Canvas.

In this course you may be asked to submit your coursework assessments digitally. The University reserves the right to conduct scheduled tests and examinations for this course online or through the use of computers or other electronic devices. Where tests or examinations are conducted online remote invigilation arrangements may be used. The final decision on the completion mode for a test or examination, and remote invigilation arrangements where applicable, will be advised to students at least 10 days prior to the scheduled date of the assessment, or in the case of an examination when the examination timetable is published.