

## LAWS50085 Consumer Protection Law And Policy

<b>Credit Points:</b>	12.5																					
<b>Level:</b>	5 (Graduate/Postgraduate)																					
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016. This subject has a quota of 60 students. Details on quota subject selection are available on the JD website.																					
<b>Time Commitment:</b>	Contact Hours: 36 hours of seminar classes offered intensively, or as 12 weekly 3 hour seminars over a semester. Total Time Commitment: 144 hours.																					
<b>Prerequisites:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50028 Constitutional Law	Semester 2	12.50	LAWS50029 Contracts	Semester 2	12.50
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<b>Corequisites:</b>	None																					
<b>Recommended Background Knowledge:</b>	None																					
<b>Non Allowed Subjects:</b>	Australian Consumer Law (MLM).																					
<b>Core Participation Requirements:</b>	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>.</p>																					
<b>Contact:</b>	<p>Email: <a href="mailto:law-aso@unimelb.edu.au">law-aso@unimelb.edu.au</a> (<a href="mailto:law-aso@unimelb.edu.au">mailto:law-aso@unimelb.edu.au</a>)  Phone: +61 3 8344 4475  Website: <a href="http://www.law.unimelb.edu.au/jd">www.law.unimelb.edu.au/jd</a> (<a href="http://www.law.unimelb.edu.au/jd">http://www.law.unimelb.edu.au/jd</a>)</p>																					
<b>Subject Overview:</b>	<p>Consumer law regulates the relationship between consumers, suppliers and manufacturers with the goal of promoting fair and efficient markets for the benefit of consumers. The various aims of consumer protection law include the following: to ensure consumers are provided with accurate information about the goods and services they choose to purchase, to mandate minimum</p>																					

	<p>standards of quality applying to the supply of goods and services, to preclude unfair/misleading market practices, and to prevent the exploitation of vulnerable members of the community.</p> <p>Consumer protection law is primarily a legislative regime, drawing on both public and private law enforcement strategies. The regime builds upon common law principles, in particular those of contract, equity and torts, and modifies those principles to achieve overtly instrumental ends of addressing market failure and protecting consumer interests. In implementing and evaluating various forms of market intervention, consumer protection law draws on insights into products, markets and consumer behaviour from disciplines such as science, engineering, sociology and economics. Consumer law impacts on a wide range of areas of legal practice including commercial law, credit law, regulatory work and consumer/public interest advocacy.</p> <p>This subject will provide students with specialised expertise in consumer protection objectives and strategies. Students will study in detail the consumer protection regime in Australia and compare that regime with consumer law developments in the European Union. Students will also study specialised theoretical and empirical work evaluating consumer protection law. Students will apply this body of knowledge and their own insights and expertise to assess the both regulatory regimes studied and the social and economic goals informing those regimes.</p> <p>The following topics will be studied:</p> <ul style="list-style-type: none"> <li>- The policy objectives of consumer protection law;</li> <li>- Consumer protection law and policy in the European Union and in Australia;</li> <li>- Regulatory strategies: <ul style="list-style-type: none"> <li># Self regulation;</li> <li># The provision of information (for example, food labelling and price information);</li> <li># The regulation of contracting, including issues of: <ul style="list-style-type: none"> <li>- Procedural fairness;</li> <li>- Substantive fairness;</li> <li>- Quality standards;</li> <li>- The regulation of trade practices (for example door to door selling);</li> <li>- Product safety;</li> <li>- Remedies.</li> </ul> </li> </ul> </li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will have:</p> <ul style="list-style-type: none"> <li># An extended understanding of an advanced body of knowledge in respect to the policy objectives informing consumer law;</li> <li># An extended understanding of an advanced body of knowledge in respect to the role of and the limitations on private law doctrine (in particular, contract and torts law) in protecting consumers;</li> <li># A sophisticated appreciation of the interrelated political, economic and constitutional debates informing the nature of consumer protection regimes;</li> <li># Specialised knowledge of the different regulatory strategies for promoting consumer protection;</li> <li># An advanced understanding of recent developments in the consumer protection regime in Australia;</li> <li># An advanced comparative perspective on consumer protection law and policy in Australia and the United Kingdom;</li> <li># Specialised theoretical and empirical research tools for evaluating different consumer protection regimes; and</li> <li># Highly developed skills in applying this advanced knowledge of consumer law and policy to new market developments so as to be able to provide informed professional advice and to initiate new regulatory responses.</li> </ul>
<b>Assessment:</b>	<p>Assignment (20%): Students will complete a 1,000 word assignment, which will be due in accordance with the assessment schedule. This assignment will be based on a case already studied in contract or torts and will require students to assess the rights and remedies arising in respect of this case under the primary consumer protection legislation in Australia, the Australian Consumer Law. The assignment will require students to independently engage with the consumer protection regime in Australia and to reflect on the policy behind this regime and the connections between the regime and the substantive legal doctrines already studied in subjects such as contracts, torts and obligations; Take home exam (80%): A take home exam (5,000 words) will ensure that students are assessed on a representative range of topics and also have the opportunity to draw on empirical and theoretical material for assessing various consumer protection initiatives.</p>

<b>Prescribed Texts:</b>	Stephen Corones, The Australian Consumer Law (most recent edition); Specialist printed materials will be made available from Melbourne Law School.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject students should have:</p> <ul style="list-style-type: none"><li># Cognitive skills demonstrating mastery of theoretical knowledge of the scholarly, professional and regulatory debates about market regulation in the interests of promoting consumers and critical reflection on this theory and its application to professional practice;</li><li># Cognitive, technical and creative skills to investigate, analyse and synthesise complex information, problems, concepts and theories required in understanding the complex interaction between legislative and common law consumer protection regimes; and</li><li># Cognitive, technical and creative skills to generate and evaluate complex ideas and recommendations for consumer protection policy and practice at an abstract level.</li></ul>
<b>Related Course(s):</b>	Juris Doctor