

LAWS90015 Consumer Redress and Product Defects

Credit Points:	12.5
Level:	9 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	Students enrolling in this subject would benefit from basic knowledge of contract and tort law.
Corequisites:	None
Recommended Background Knowledge:	Students enrolling in this subject would benefit from basic knowledge of contract and tort law. Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique 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 to 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.
Contact:	Lecturers Professor Luke Nottage (http://www.law.unimelb.edu.au/staff/Luke%20Nottage) (Coordinator) Mr Gerard Brody (http://www.law.unimelb.edu.au/staff/Gerard%20Brody) Ms Annette Hughes (http://www.law.unimelb.edu.au/staff/Annette%20Hughes) Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	This subject critically examines the law, policy and practice relating to defective consumer goods, as well as consumer redress more broadly, in comparative and international perspective. After an overview of consumer law-policy making processes and regulatory enforcement, it focuses especially on product liability and safety regulation regimes under the 2010 Australian Consumer Law (covered otherwise in LAWS70380), class actions or other forms of collective redress, and dispute resolution through tribunals and ombudsman. The subject considers theoretical foundations, parallels abroad (especially in the US, EU and Asia), and impact in

	<p>practice (including case studies of common consumer disputes, and class actions in Australia involving goods imported from or also sold abroad). The lead lecturer is an eminent Australia-based scholar and commentator in consumer product safety law, who has consulted in the field for law firms in several countries as well as for the EC, OECD, UNCTAD, UNDP, ASEAN and the Japanese government. The co-lecturers have extensive experience in resolving disputes on behalf of consumers or suppliers, and engaging with regulators and policy-makers.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Introduction to policy-making processes and regulators, the Australian Consumer Law (where to find key consumer product safety provisions and how they have evolved) and key redress mechanisms (including the 2008 Productivity Commission Report on Consumer Policy) # Product liability: policy rationales, traditional negligence-based approaches, strict liability regimes in the US, EU, Asia and Australia, and impact in practice # Product safety regulation: 'vertical' (sector-specific) and 'horizontal', interaction with private law and market mechanisms, influences from and to abroad (including in the context of Free Trade Agreements), enforcement and other impacts in practice # Individual and collective consumer redress mechanisms, such as opt-in representative actions (including by regulators, or accredited consumer organisations) and opt-out class action regimes (especially in Australia, Canada and the US, comparing reforms and discussions further abroad) # Future prospects in these fields of law and practice including via international bodies like the OECD and ASEAN.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding of the legal principles governing consumer product safety law and redress mechanisms in Australia and the common law doctrines relevant to those regimes # Be able to critically examine, analyse, interpret and assess the effectiveness of these legal regimes, applying comparative, theoretical and practical perspectives # Be an engaged participant in debates surrounding emerging and contemporary issues in the development of these fields of Australian consumer protection law # Have a sophisticated appreciation of the factors and processes driving reform of the consumer protection regime in Australia # Have an advanced understanding of situations in which consumer protection issues may arise in commercial transactions # Have a detailed understanding of the interaction between common law doctrines and consumer protection legislation # Have the cognitive and technical skills to generate critical and creative ideas relating to effective consumer protection strategies and to critically evaluate existing legal theories and strategies for the protection of consumers in these fields # Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to effective consumer protection strategies and regimes in these fields # Have the communication skills to clearly articulate and convey complex information regarding consumer protection to relevant specialist and non-specialist audiences # Be able demonstrate autonomy, judgment and responsibility in the fields of consumer product safety law and redress mechanisms.
Assessment:	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (13 - 16 January 2017) or Take-home examination (5,000-6,000 words as specified in the subject reading guide) (50%) (13 - 16 January 2017) and 5,000 word research paper (50%) (15 February 2017) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS90015/2016</p>

Related Course(s):	Graduate Diploma in Competition and Consumer Law Graduate Diploma in Construction Law Graduate Diploma in Legal Studies Master of Commercial Law Master of Competition and Consumer Law Master of Construction Law Master of Laws Master of Private Law
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