1. COURSE STAFF

<table>
<thead>
<tr>
<th>Staff</th>
<th>Room</th>
<th>Phone</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Frank Zumbo</td>
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<td>Associate Professor</td>
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<tr>
<td>Lecturer-in-charge</td>
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1.1 Communication with Staff
I am available to consult with students any time that I am in my room. I can also be contacted by phone or email.

2. INFORMATION ABOUT THE COURSE

2.1 Teaching times and Locations
A seminar is conducted in the course on Mondays 1 – 4pm in CLB 2.

2.2 Units of Credit
This course is worth 6 credit points.

2.3 Relationship of this course to other course offerings
 LEGT 2731 Marketing and Distribution Law course is an elective offered by the School of Business Law and Taxation. The course can be completed on its own or as part of a Business Law co-major or minor offered by the School

2.4 Approach to learning and teaching
This course is conducted with the aim of promoting student-centred learning. This aim will be achieved by requiring students to engage with the topics presented in the course through independent research on the internet as part of the weekly seminar presentations. The assessment in this course is designed to promote students' understanding of competition and fair trading law.

3. COURSE AIMS AND OUTCOMES

3.1 Course Objectives
This course provides an introduction to marketing and distribution law. In particular the course will:

a) Seek to develop the student’s critical thinking skills in the analysis of marketing and distribution law problems and in determining appropriate courses of action;
b) Examine the legal prohibitions found in the Trade Practices Act against anti-competitive business conduct;

c) Examine the legal prohibitions found in the Trade Practices Act against deceptive business practices, unconscionable conduct and non-compliance with industry codes of conduct;

d) Examine the treatment of product liability issues under the Trade Practices Act;

e) Examine the role and function of the Australian Competition and Consumer Commission in the administration and enforcement of the Trade Practices Act;

f) Examine the protection of intellectual property rights;

g) analyse case studies involving trade practices compliance issues for businesses, senior corporate and marketing managers; and seek to develop appropriate corporate compliance programs for dealing with those issues; and

h) develop legal compliance strategies.

3.2 Student Learning Outcomes

This course also seeks to develop learning outcomes introduced in prior studies, including:

- confidence and competence in constructing written and oral arguments relevant to competition and fair trading law
- the ability to analyse legal issues in a logical and structured way (i.e. to identify problems, research relevant sources, propose an outcome and identify possible challenges to the proposed outcome)
- awareness of the policy choices that underpin and are reflected in competition and consumer law

3.3 Teaching Strategies

Seminars

Seminars are an essential part of learning in this course. The purpose of the seminars is to discuss in detail case studies relating to competition and fair trading law. Active student involvement is encouraged as a way of promoting a deeper awareness and understanding of those legal principles. In week 2 students will be asked to form into groups (maximum of 3 students) with each group being allocated a seminar presentation to be done during class in a week agreed between the lecturer and the group. Seminar presentations commence in Week 4. Students must do their seminar presentation in their allocated week. Seminar presentation topics will be distributed in class. The purpose of seminar presentations is for the group to lead discussion on specific laws that impact on the marketing and distribution of goods and services.

4. STUDENT RESPONSIBILITIES AND CONDUCT

4.1 Workload

It is expected that you will spend at least ten hours per week studying this course. This time should be made up of reading, research, 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. The structure of this subject is based upon students keeping up to date with their reading, and attending tutorials ready to contribute to the class activities.

4.2 Attendance
Your regular and punctual attendance at the seminar is expected in this course.

4.3 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 that unduly disrupts or interferes with a class, such as the use of mobile phones, is not acceptable and students may be asked to leave the class. More information on student conduct is available at: www.my.unsw.edu.au

4.4 Keeping informed
You should take note of all announcements made in the seminar, or on the course website. 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.

5. LEARNING ASSESSMENT

5.1 Formal Requirements
In order to pass this course, you must:

- achieve a total mark of at least 50/100; and
- make a satisfactory attempt at all assessment tasks.

Satisfactory performance requires the completion of all assessment tasks.

5.2 Assessment Details

| ASSESSMENT |
|------------------|-----------------|-----------------|-----------------|
| Task             | Percentage       | Word Limit      | Due Date        |
| Optional essay   | 0 or 75%         | 7500            | To be advised   |
| Seminar presentation | 25%            | n/a             | As assigned in week 2 |
| Optional class exam | 0 or 75%       | n/a             | To be advised   |
Optional Essay

**Weight:** 0 or 75%
**Maximum Word Limit:** 7500 words
**Due:** To be advised

Students have the option of undertaking a research essay as part of their assessment. Students undertaking this option may choose their own topic or one from a list distributed by the lecturer. Students wishing to undertake an optional essay must consult with the Lecturer in charge as soon as possible. Essays are to be 7500 words.

Seminar Presentation

**Weight:** 25%
**Due Date:** As assigned in week 2

All students will be asked to choose a seminar topic and lead discussion on that topic in the assigned week. This is a compulsory part of the assessment.

Optional Class Exam

**Weight:** 0 or 75%
**Date:** To be advised

The exam will cover all topics discussed in both the seminar and tutorials. The exam will require students to be familiar with contemporary ethical challenges and the paradigms available for their resolution.

5.3 Special Consideration and Supplementary examinations

All applications for special consideration on medical grounds should be submitted to the New South Q, the Chancellery and a copy delivered to the Lecturer-in-Charge. You should email the Lecturer-in-charge if you make a request for special consideration.

It is important to note that the application is assessed by both the Student's Centre and the Lecturer-in Charge. In particular, the application is assessed for the effect the medical condition or misadventure has on the student’s ability to sit the examination. Merely lodging an application with medical documentation does not mean that the application will be accepted. Both the Student Centre and Lecturer-in-Charge must be satisfied that there are genuine reasons to warrant special consideration.

Special Consideration - Illness & Misadventure

On some occasions sickness, misadventure, or other circumstance beyond your control may prevent you from completing a course requirement or attending or submitting assessable work for a course. Such assessable requirements may include formal end of session examination, class test, laboratory test, seminar presentation, etc. It is also possible that such situations may significantly affect your performance in an assessable task. The University has procedures that allow you to apply for consideration for the affected assessments. Depending on the circumstances, the
University may take action to allow you to overcome the disadvantage; eg. give you additional assessment or extend a deadline.

You should note that merely submitting a request for Consideration does not automatically mean that you will be granted additional assessment, nor that you will be awarded an amended result. For example, if you have a poor record of attendance or performance throughout a session/year in a course you may be failed regardless of illness or other reason affecting a final examination in that course.

The University has a centralised procedure for Consideration applications. Many Course Authorities and Faculties have 'local' procedures that you will also need to follow.

It sometimes happens that a student may encounter a situation which is so significant or personal they do not want to use the Special Consideration procedures. In a case like this you may prefer to contact the University Health Service, the Counselling Service, an academic adviser in your Program Offices Directory or the Assistant Registrar in the Student Information and Systems Office. Remember that it is always important to let the University know if there is anything which may affect your ability to continue your studies.

**How to apply for Consideration**

You must make formal application for Consideration for the course/s affected as soon as practicable after the problem occurs and within three working days of the assessment to which it refers. The application must be made on the 'Request for Consideration' form available from NewSouth Q, program and course offices, or you can download a copy of the form (pdf format). The completed application form must be submitted to NewSouth Q.

Applications are accepted only in the following circumstances:

- Where academic work has been hampered to a substantial degree by illness or other cause. Except in unusual circumstances a problem involving only three consecutive days or a total of five days within the teaching period of a semester is not considered sufficient grounds for an application.

- The circumstances have to be unexpected and beyond your control. Students are expected to give priority to their University study commitments and any absence must clearly be for circumstances beyond your control. Work commitments are not normally be considered a justification.

- An absence from an examination should be supported by a medical certificate or other document which clearly indicates you were unable to be present.

- A student absent from an examination or who attends an examination and wants to request special consideration is normally required to provide a medical certificate dated the same day as the examination.

**An application for special consideration has to be provided within three working days of the assessment to which it refers.** In exceptional circumstances an application may be accepted outside the three-day limit.

To give the University sufficient and appropriate information on which to base its decision about your request, you must support your application with certified official documentation which normally contains at least the following key information:
(1) the assessment task/s for which you are seeking consideration
(2) the dates/deadlines associated with these tasks
(3) the basis of your request ie. the nature of your misadventure, illness, etc.
(4) the date/s on which you were seen by the professional/authority providing your official documentation
(5) the date of the illness or misadventure or the dates of the period of time of the illness or misadventure
(6) the professional's/authority's assessment of the severity of your illness or misadventure and opinion of the likely effect on your capacity to undertake the assessment task/s concerned.

Items (4) to (6) need to be certified by the provider. For example, by your medical practitioner or other health professional. (for illness or injury) or counsellor (for personal or family problems), so you will need to make the provider aware of the University's requirements.

For causes other than sickness, (eg. road accident, court hearing, or death of a relative) written evidence (eg. a police report, a court summons, or a death certificate) instead of the documentation required in 6 above is acceptable.

To assist you the 'Request for Consideration' form has a sheet attached explaining the procedures and the information required. The form and information sheet must be taken with you when you obtain the certification so as to ensure all the key information is provided. The forms are widely available on all of the University's campuses--from NewSouth Q, Faculty and program offices, the University Health Service, the Counselling Service, and many course authorities.

You should note that Consideration requests normally will not be considered:

- unless the application is made on the appropriate form
- unless all the key information is provided
- if more than 3 days have elapsed since the assessment for which Consideration is sought.

In exceptional circumstances the University may waive these requirements, for example, if an accident or sudden illness occurs which requires your immediate hospitalisation.

You also need to follow any local procedures of the relevant course or program authority. You will have been informed of these procedures by the course authority or Faculty representative in the course brochure/information sheet made available to you upon commencement of the course or program. For example, as well as submitting your application through NewSouth Q, the course authority may require you to contact them.

If you need advice about any of the policies or procedures relating to Consideration contact NewSouth Q.

What happens after you make the application

If your application meets the University's criteria for acceptance, it is stamped, a copy is taken and the original is returned to you. Only documentation which meets the requirements listed above will be accepted. No consideration will be given when the condition or event is not related to performance or is considered not to be serious.
Details, including the summary information provided by you, are made available to the relevant course authority/Faculty. The University’s procedures ensure that confidentiality of this information is maintained.

Note that many course authorities require you to take action within a specified period of time to determine the outcome; for example to consult the course authority’s notice board, to contact the authority in person or by phone, etc. Details of the arrangements will have been made available to you in the course information sheet. Failure to take this action will normally result in forfeiture of any additional assessment granted to you.

On the basis of the information provided in your application, a decision is made regarding the appropriate response in your particular case. The following may be taken into account:

- The student's performance in other items of assessment in the course.
- The severity of the event.
- Academic standing in other courses and in the program.
- History of previous applications for special consideration.

**What outcomes you can expect**

If an application for illness or misadventure is accepted, the following action may ensue:

- No action.
- Additional assessment or a supplementary examination. Additional assessment may take a different form from the original assessment. If you are granted additional assessment, the original assessment may be ignored at the discretion of the course authority. Consequently, a revised mark based on additional assessment may be greater or less than the original mark.
- Marks obtained for completed assessment tasks may be aggregated or averaged to achieve a percentage.
- The deadline for assessment may be extended.
- Discontinuation from the course. This is unlikely to occur after an examination or final assessment has taken place.

The following examples are included to give an indication of the outcomes you can expect in the most common circumstances. (Many course authorities include similar examples for the special types of assessment used by them in their course information sheets.)

**Class examination**

If you miss such an examination through an illness, other circumstance beyond your control, etc., which is certified as being severe enough to have prevented your attendance, in general, you will be granted additional assessment. This is usually in the form of a supplementary examination.

If you attend an examination but prior to it an illness or other circumstance beyond your control occurs which, because of its duration or severity, is certified as having a significant effect on your preparation for that course, in general you will be granted additional assessment. This is usually in the form of a supplementary examination.
Note: In either of these cases if you have attained a pass in the course concerned from assessment tasks completed during session, it may not be regarded as necessary to grant you additional assessment.

If you attend an examination but have an illness on the day, which is either certified as not having a significant effect on your performance (such as a minor head cold), or for which you were examined after the illness had subsided, you will not be granted additional assessment.

Seminar presentation.

If an illness or other circumstance beyond your control occurs which, because of its duration or severity, is certified as having a significant effect on your ability to complete an assessment task on the assigned week you will generally be granted an opportunity to undertake the assessment task in an alternative week.

Additional assessment

The time at which any additional assessment granted to you is held will be determined by the Lecturer-in-Charge. Consult the Lecturer-in-Charge for detailed information about the times and arrangements for the various additional assessment tasks in that course. You should expect any additional assessment granted to you to be of the same degree of difficulty as the original assessment task which it replaces.
6. **ACADEMIC HONESTY AND PLAGIARISM**

The University regards plagiarism as a form of academic misconduct, and has very strict rules regarding plagiarism. For full information regarding policies, penalties and information to help you avoid plagiarism see:

http://www.lc.unsw.edu.au/plagiarism/index.html

Plagiarism is the presentation of the thoughts or work of another as one’s own.* Examples include:

- direct duplication of the thoughts or work of another, including by copying work, or knowingly permitting it to be copied. This includes copying material, ideas or concepts from a book, article, report or other written document (whether published or unpublished), composition, artwork, design, drawing, circuitry, computer program or software, web site, Internet, other electronic resource, or another person’s assignment without appropriate acknowledgement;
- paraphrasing another person’s work with very minor changes keeping the meaning, form and/or progression of ideas of the original;
- piecing together sections of the work of others into a new whole;
- presenting an assessment item as independent work when it has been produced in whole or part in collusion with other people, for example, another student or a tutor; and,
- claiming credit for a proportion a work contributed to a group assessment item that is greater than that actually contributed.†

Submitting an assessment item that has already been submitted for academic credit elsewhere may also be considered plagiarism.

The inclusion of the thoughts or work of another with attribution appropriate to the academic discipline does *not* amount to plagiarism.

Students are reminded of their Rights and Responsibilities in respect of plagiarism, as set out in the University Undergraduate and Postgraduate Handbooks, and are encouraged to seek advice from academic staff whenever necessary to ensure they avoid plagiarism in all its forms.

The Learning Centre website is the central University online resource for staff and student information on plagiarism and academic honesty. It can be located at:

www.lc.unsw.edu.au/plagiarism

The Learning Centre also provides substantial educational written materials, workshops, and tutorials to aid students, for example, in:

- correct referencing practices;
- paraphrasing, summarising, essay writing, and time management
- appropriate use of, and attribution for, a range of materials including text, images, formulae and concepts.

Individual assistance is available on request from The Learning Centre.

Students are also reminded that careful time management is an important part of study and one of the identified causes of plagiarism is poor time management. Students should allow sufficient time for research, drafting, and the proper referencing of sources in preparing all assessment items.

* Based on that proposed to the University of Newcastle by the St James Ethics Centre. Used with kind permission from the University of Newcastle

† Adapted with kind permission from the University of Melbourne.
7. STUDENT RESOURCES

7.1 Course Resources

Prescribed Texts

Miller, *Annotated Trade Practices Act*, LBC.

Further Recommended Materials

- Given the wide scope of the course, there are many references available which students may find useful in helping them to understand the various concepts covered in this subject. These books are available from the UNSW Library. Supplementary materials and references will be supplied to students during the course.

7.2 Other Resources, Support and Information

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

**Learning and study support**

- FCE Education Development Unit (http://education.fce.unsw.edu.au)
- UNSW Learning Centre (http://www.lc.unsw.edu.au)
- EdTec – WebCT information (http://www.edtec.unsw.edu.au)
- Counselling support - http://www.counselling.unsw.edu.au
- Library training and support services - http://info.library.unsw.edu.au
- Disability Support Services – Those students who have a disability that requires some adjustment in their teaching or learning environment are encouraged to discuss their study needs with the Course Coordinator or the Equity Officer (http://www.equity.unsw.edu.au/disabil.html). Early notification is essential to enable any necessary adjustments to be made.

In addition, it is important that all students are familiar with University policies and procedures in relation to such issues as:

- **Examination procedures** and advice concerning illness or misadventure https://my.unsw.edu.au/student/academiclife/assessment/examinations/examinationrules.html

8. CONTINUAL COURSE IMPROVEMENT

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 Course and Teaching Evaluation and Improvement (CATEI) Process (http://www.ltu.unsw.edu.au/ref4-5-1_catei_process.cfm) is one of the ways in which student evaluative feedback is gathered.
9. COURSE SCHEDULE

Introduction to the course and its materials.
Review of the nature and sources of marketing and distribution law in Australia and overview of their impact on each stage of the product cycle (Development, distribution, marketing and after sale liability).
- The role and impact of Trade Practices Act – its administration and enforcement.
- The role of Australian Competition & Consumer Commission.

Selected Legal Issues in Product Development – the protection of intellectual property.

Selected Issues in Product Distribution – the impact of competition law (Part IV of the Trade Practices Act).
- Definitional issues and prohibitions against:
  - Primary boycotts
  - Anti-competitive conduct
  - Price fixing
  - Misuse of market power
  - Tying arrangements
  - Resale price maintenance

Approaches to Product Distribution – Strategies and regulatory frameworks
- Licencing
- Protection of trade marks
- Franchising and its regulation (Franchising Code of Conduct and prohibitions against Unconscionable Conduct)

Legal Regulation of Marketing Practices – Fair Trading and consumer protection paradigms
- Misleading or deceptive conduct
- Advertising self regulation
- Olympic marketing
- Comparative advertising
- Illegal Selling and Marketing Practices

After Sale Liability – Legal, contractual and liability issues
- Implied conditions and warranties
- Product-safety and information
- Liability for defective goods

Compliance
- Compliance Strategies: Developing a Compliance Program