The Law of Misleading or Deceptive Conduct 2007

GENERAL INFORMATION

1. TEXTS AND MATERIALS

1.1 Statutes

*Trade Practices Act 1974 (Cth)*

*Fair Trading Act 1987 (WA)*

1.2 Required Text

Lockhart, *The Law of Misleading or Deceptive Conduct*, 2nd ed, LexisNexis Butterworths, 2003*

1.2 Recommended Reading


* denotes on Open Reserve

2. LECTURES

Lectures will be held from 4.00-4.45 pm on Mondays and from 4.00-5.45 pm on Tuesdays in the Law Lecture Theatre.

During the course of the semester we will consider discussion questions concerning material covered in the lectures; the questions will be handed out in due course.
3. **ASSESSMENT**

The principal form of assessment for **undergraduate students** in the unit will be an open book examination at the end of the course. The exam will consist predominantly of problem questions that will raise issues covered in a number of components of the course. It would, therefore, be unwise to assume that you may 'leave out' some sections of the course in your exam preparation. Students will be required to answer three questions and will be able to choose from five questions on the paper.

Undergraduate students have the option of writing an assignment during the semester on a problem question that will be issued in Week 9 and will be due on the final day of semester (26 October 2007). Students who write the assignment will also be required to answer three questions in the exam. The assignment will be worth 33.33% of the final grade although the mark will not be counted for that purpose unless it is higher than the student's weakest mark on a question in the exam. Students will not receive their marked assignments back before the exam to avoid the prospect of those who have done the assignment doing only two questions in the exam.

The assessment for **LL M students** consists of the exam referred to above, which will be worth 50% of the final grade. Each LL M students will also be required to write a 5,000-7,000 word research paper on a topic of his or her choice approved by me, which will also be worth 50% of the final grade. The research paper will be due on the last day of semester (26 October 2007). Whilst not required, it is suggested that LL M students provide me with a one page outline of their proposed research paper by approximately the middle of the semester to enable me to provide you with comments and suggestions as to the proposed topic. In any event, LL M students will need to notify me of their proposed research paper topic for my approval. It is suggested that this be done well before the end of semester.

4. **COURSE OVERVIEW**

The course will be divided into the following segments and will roughly follow the suggested timetable:

A  
Exempt Persons and Territorial Scope  
(5 lectures)
B  'Conduct in Trade or Commerce'
   (3 lectures)

C  'Misleading or Deceptive': General Issues
   (2 lectures)

D  Express Statements
   (4 lectures)

E  Non-Disclosure
   (2 lectures)

F  Remedies: General Issues
   (2 lectures)

G  'Persons Involved in' a Contravention
   (2 lectures)

H  Preventative, Corrective & Declaratory Orders
   (2 lectures)

I  Reliance and Causation
   (2 lectures)

J  Compensatory Remedies
   (3 lectures)

K  Limitation Periods
   (2 lectures)

Colin Lockhart
20 July 2007

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