

Revision Activities

□ **Key Legal Concepts and Features of the Legal System**

1. What is the definition of a consumer as stated by the *Trade Practices Act 1974* (Cwlth)?

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2. Outline the nature of change from a rural subsistence society to an urban mass consumption society.

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3. What was the effect of this change on the role of the State in consumer affairs?

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4. What is the meaning of the *Laissez-faire* philosophy and *caveat emptor*, and what were the limitations of these concepts in protecting consumers?

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5. Explain the significance of *Donoghue vs. Stevenson* (1932) in relation to **caveat emptor**.

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6. What are the terms implied by common law and statutes in relation to contracts?

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7. What are the difficulties that result from modern day advertising and marketing techniques?

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8. Complete the following table to outline the legislation that aims to protect consumers.

Legislation	Purpose
<i>Sale of Goods Act 1923</i> (NSW)	
<i>Motor Dealers Act 1974</i> (NSW)	
<i>Trade Practices Act 1974</i> (Cwlth)	
<i>Fair Trading Act 1987</i> (NSW)	

9. What are the general standards and specific requirements of advertising and marketing?

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10. What is the 'cooling off' period?

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11. How are deceptive marketing practices controlled?

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12. What is occupational licensing?

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13. Explain the role of state regulation and self-regulation in relation to occupational licensing.

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14. Explain how the following occupations are licensed.

Motor dealers and repairers

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Travel agents

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15. What is meant by review of licensing decisions?

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16. Explain the options available to finance a purchase.

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17. How is the notion of security achieved in financing a purchase?

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18. Explain the rights and remedies of borrowers.

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19. Explain the rights and remedies of credit providers.

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20. Explain how regulation of credit providers is achieved through specific legislation.

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21. What are the aims of the *Credit Act 1984* (NSW)?

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22. What is the National Credit Code?

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□ **Legal Issues and Remedies**

1. What is meant by a contract?

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2. What are the elements of a legally binding contract?

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3. What are the differences between written and oral contracts?

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4. What are the terms and conditions of contracts?

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5. Who may become a party to a contract and what are the groups who are restricted in doing so?

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6. What does the rule of privity of contract mean?

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7. What is the role of contract law in remedying justice?

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8. Briefly explain the remedies available for breach of contract.

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9. List the statutory controls that aim to protect consumers.

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10. List the legislation involved in the following areas and the purpose of it.

Rights against suppliers, manufactures and importers

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Rights against finance companies

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Quality of goods and services

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Compliance with description and promotional material

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Rights against suppliers, manufactures and importers

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11. Explain the self-help and awareness options available to consumers in the event of breach of contract.

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12. Explain the sources of advice and assistance for dealing with complaints, mentioning relevant government agencies, consumer groups, the media and investigating agencies.

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13. What is the purpose of the Australian Competition and Consumer Commission (ACC)?

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14. Complete the following table to describe how the following procedures may provide redress for consumers.

Method	How this method may provide redress
Self-help	
Mediation and Conciliation	
The Consumer Trading Tenancy Tribunal	
Arbitration	
Class actions	
The Courts	

15. Access each of the above methods in terms of accessibility and effectiveness.

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16. Complete the following table to describe consumer remedies.

Method	How this acts as a consumer remedy
Damages	
Rescission and modification and contract	
Special orders	
Arbitration	
Injunctions and specific performance	

4. Explain the issue of **compliance** and **non-compliance** with Consumer law.

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Effectiveness of the Law

Complete the following table to describe the factors to be considered when evaluating the effectiveness of Consumer law in achieving justice for individuals and society.

For Individuals	
Factor	How it impacts on effectiveness of Consumer law
Equality	
Accessibility	
Enforceability	
Resource Efficiency	
Protection	
Recognition of Individual Rights	

For Society	
Factor	How it impacts on effectiveness of Consumer law
Resource Efficiency	
Opportunities for Enforcement	
Appeals and Review	
Balance of Individual Rights and values and community rights and values	

□ **Law Reform**

1. Complete the following table to compare the agencies of law reform for Consumer law.

Agency	Role in Law Reform	Limitations of Effectiveness
Law Reform Commissions		
Parliament		
Courts		

2. Complete the table to compare the conditions which give rise to law reform for Consumer law.

Condition	Explanation	Effect on Law reform	Example
Changing Social Values			
Changing Composition of Society			

New Concepts of Justice			
Failure of Existing law			
International law			
New Technology			

Key Questions/Issues

- To what extent can competition policy achieve equity and justice?

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