QUESTION 1

Most students attempted this question and appreciated that misleading and deceptive conduct and representations should be discussed. Some students argued there was no misleading or deceptive conduct/representations and did it quite well.

Some answers covered lots of description of relevant law, but contained insufficient analysis and argument on particular facts. Some students did not answer what was asked of them...i.e. what could/should ACCC do

QUESTION 2

Students attempting showed quite good basic understanding of bailment and duties of bailee.

Almost all students assumed that the relationship between PP&A and then A&B, A and end users involved bailment or sub bailment, without analyzing them from scratch. There was no obligation to return the same pallets. Fungible goods, and therefore no right to immediate possession and no right to bring action for conversion.

QUESTION 3

Most students mentioned ACL guarantees and/or s. 138 liability. Some students thought incorrectly that one needs to be a consumer for any of the ACL to apply.

QUESTION 4

A variety of treatments were acceptable. The interaction between SOGA, contract and PPSA sometimes confused.

QUESTION 5

A good general understanding of non-disclosure provisions was evident from answers. Some inappropriate application of s. 54.

QUESTION 6

Many students attempted this question. Marks awarded varied with depth of understanding of topics, as usual.

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