

COMMONWEALTH OF AUSTRALIA

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Family Name	
Given Names	
Student Number	
Teaching Period	Semester 2, 2016

FINAL EXAMINATION	DURATION				
LAW514 – Commercial Law	<table border="1"> <tr> <td>Reading Time:</td> <td>10 minutes</td> </tr> <tr> <td>Writing Time:</td> <td>180 minutes</td> </tr> </table>	Reading Time:	10 minutes	Writing Time:	180 minutes
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INSTRUCTIONS TO CANDIDATES

TOTAL MARKS FOR THIS EXAM: 50

THERE ARE FIVE (5) QUESTIONS AND EACH QUESTION CARRIES TEN (10) MARKS

IDENTIFY THE LEGAL ISSUE, EXPLAIN THE COMMERCIAL LAW THAT RELATES TO THE ISSUE AND THEN APPLY THE LEGAL PRINCIPLES TO THE CASE STUDY QUESTION

ANSWER ALL QUESTIONS.

EXAM CONDITIONS

You may begin writing from the commencement of the examination session. The reading time indicated above is provided as a guide only.

This is an OPEN BOOK examination

Any calculator is permitted

Any handwritten material is permitted

Any hard copy, English dictionary is permitted (annotated allowed)

ADDITIONAL AUTHORISED MATERIALS	EXAMINATION MATERIALS TO BE SUPPLIED
Any printed material with the exception of CDU Library books Lecture Notes (Annotated Permitted) Lecture Textbook/s (Annotated Permitted)	1 x 20 Page Book

**THIS EXAMINATION IS PRINTED
DOUBLE-SIDED.**

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BLANK.**

QUESTION ONE

Rose wanted to have her wedding dress dry-cleaned before she packed it away for safe keeping. She took her dress to the dry-cleaners near where she lives. The dry-cleaners are the Ace Dry-Cleaners in Carlton and they guarantee to be the best dry-cleaners in Melbourne. She left her dress with them on Monday and was due to collect it on Friday. When she collected the dress the shop attendant advised her that the dress was damaged in the process of cleaning and could not be used without substantial repairs. Even then it would not be very good. Rose paid \$15,000 for the dress. She told the shop attendant that she wanted compensation of \$15,000. The shop attendant pointed to a sign in small print above the cash register which said that Ace Dry-Cleaners were not liable for any damage to clothes left with them for dry-cleaning. Rose was not made aware of the exclusion notice at the time she left the dress for dry-cleaning.

REQUIRED:

Advise Rose if she will be able to recover compensation under **contract law**.

(10 marks)

QUESTION TWO

Jill Wong was walking her dog in the local park one evening when she saw a brown paper bag near a tree. She opened the bag and found that it contained a large amount of \$50 notes. She estimates that there must be at least \$10,000 in total. She picked up the bag and took it home with her. She is unsure as to what she should do next.

REQUIRED:

Advise Jill if she is able to keep the money that she has found. If not, does she have the right to claim the money in the future?

(10 marks)

QUESTION THREE

Teo Wang has come to you for advice. He has been working for Amber Construction Pty Ltd as an air-conditioner installer for the past 15 years. Last month while he was trying to install a new air-conditioner in a new high rise apartment building in Sydney he was severely electrocuted as someone had left the power on after he had specifically asked for it to be disconnected on his floor. He suffered burns to his face and arms and was in hospital for over two weeks. The General Manager of Amber Constructions Pty Ltd has refused to pay for the hospital costs; Teo's lost salary and any compensation for pain and suffering. The General Manager claims that Teo was at fault by not checking to see if the power had been disconnected before trying to install the air-conditioner. Teo has permanent scarring on his face and arms.

REQUIRED:

Advise Teo on his legal rights and his prospects of recovering damages from Amber Constructions.

(10 marks)

QUESTION FOUR

You have just arrived at Terminal 2 at the Melbourne airport and have advised the counter staff at the Singapore airline counter that you have booked and paid for a return flight to Paris and that you did your booking through your travel agent, 'Best Flight Deals', in the city. The airline has told you that they have no booking in your name and no record of your payment for the flight. You are unable to contact your travel agent in the city as it is the middle of the night. You then pay for a new return ticket costing you \$1,900 using your credit card.

REQUIRED:

What rights do you have to recover your money from your travel agent and what duties have your travel agent breached?

(10 marks)

QUESTION FIVE

You have just finished writing a book on ‘How to survive as a University Student’ and you have placed it on the internet for the public to read and download. You have provided internet users with a PayPal account so that they can make a contribution based on their attitude to your book. You have found that the book is proving to be very popular with downloaded sales in excess of 400 over the first two days. You have been approached by a publisher to buy the book and they have asked you to produce another 2 books over the next 12 months and they will pay you ten percent of any sales. You have studied Commercial Law and you are aware of your rights. You have now visited your accountant to see what you should do next. Your accountant knows nothing about intellectual property rights.

REQUIRED:

Advise your accountant about your rights under the law relating to intellectual property. In particular advise your accountant as to what it is that you are selling to the publisher and how you can protect your ownership of your first book that is available on the internet.

(10 marks)