



BTB1010/BTC1110/BTF1010

Business and Commercial Law, Semester 2, 2024

ASSESSMENT 3 – PROFESSIONAL SKILL TASK

Purpose	<p>This task will help you develop a number of transferable skills (such as time management, creativity and critical thinking) sought after in the legal and accounting professions and the business community. These skills will be applied in this task in the context of helping you meet learning objectives 1, 2, 3 and 4 insofar as these skills are essential to understanding the key legal principles you will learn about in this unit (LO1) and their impact on business conduct (LO2), assessing legal scenarios and predicting possible legal risks and outcomes (LO3), and using legal reasoning to inform business decision-making and conduct (LO4).</p> <p>This assessment covers our course materials from Weeks 6 and 7 (Consumer Protection).</p>
Your task	<p>In this assessment, you will have the opportunity to explore the practical application of Australian Consumer Law ('ACL') in the context of advertising. In this assessment you will use AI to produce the text to the wording of a Spotify advertisement promoting one of two products. You will then amend the wording of this text to create three different versions: one where the advertisement text complies with the ACL, one where compliance is borderline or ambiguous and one where the text is non-compliant with the ACL. Following this you will complete an 'Analysis Template' (Appendix 1) responding to all sections and providing all requested information. Please refer to the 'Assessment Instructions' contained within this document for more detail.</p> <p>Please keep in mind that these assessments are practical skills tasks, that will draw upon your knowledge of the law. Applying your knowledge of the law is essential, and accurately applying the law is essential, but you will do so here via a response template, rather than via a response to a hypothetical legal problem question.</p>
Value	<p>20% of the total marks for the unit.</p>
Word Limit	<p>2,000 words. The word limit for all-inclusive: that is, it includes headings, referencing, footnotes, and all other text in your document, but it <u>does not</u> include the words from your generative AI produced Spotify advertisements or any appendix outlining how you have used AI. That is, your response can be a maximum of 2,000 words <i>plus</i> the</p>

	<p>words of your advertisements and any appendix. If you can respond to the task in under 2,000 words you will not be penalised for succinct writing providing you address all required aspects of the assessment to the expected standard.</p>
Due Date	<p>4:30PM (AEDT) on Wednesday 2 October 2024, (Week 10).</p> <p>Please note that the due time for this assessment is not midnight, and that the decision to set a due time other than midnight was deliberately taken to ensure that students are able to receive support from members of the teaching team if emergencies occur close to the end of the submission window. We would not be able to provide this support after the close of business, or over the weekend, which is why the submission due time is 4:30PM: noting also that this is one of the standard assignment submission times used in the Monash Business School. Do not assume that the submission time is midnight based upon your experiences in other units. You must always check the specific submission requirements of each individual assessment you take in each unit you study.</p>
Submission	<p>Submission is required via the Assessment 3 Submission Dropbox available in the Assessments area on Moodle. Remember to check that you have completed all steps of the submission process.</p> <p>Turnitin will be used for similarity checking. For information on how to use the 'Turnitin' submission portal please refer to this website (scroll down and under the 'Submitting your work' select the 'Integrated Turnitin Assignment' option for more details).</p> <p>Make sure to allow enough time before the deadline to address any potential technical issues that may arise. For example, it is good practice to aim to submit your assessment no later than at least 30 minutes before the submission deadline. For technical support, please contact eSolutions or review the guide here.</p>
Assessment Criteria	<p>Your assessment criteria are indicated in the marking rubric that will be used to mark your assessment. This rubric is included in Appendix 2 of this document. Please refer to this rubric before completing your assessment to best guide the completion of your work.</p>
Academic Integrity	<p>Academic integrity breaches (including colluding with others, and plagiarising) will be taken extremely seriously and will be reported when detected. Severe penalties may apply, which include exclusion from Monash University.</p> <p><i>Use of Generative AI</i></p> <p><u>AI & Generative AI tools may be used SELECTIVELY within this assessment.</u> Where used, AI must be used responsibly, clearly documented and appropriately acknowledged (see Learn HQ). In the 'Analysis Template' there is a section to include any acknowledgement</p>

	<p>of AI in the assessment. You must use Microsoft's Copilot (https://copilot.microsoft.com/) for this task. This AI system is freely available to all Monash students. As the use of AI is a requirement of this assessment (see Step 3 of the instructions below), you are expected to acknowledge your use in the relevant section of the 'Analysis Template'. If you use AI for Steps 4 or 5 of the assessment, you must include an appendix in your assessment response outlining how you have used AI (see 'Assessment Instructions' for further details). Please note that failure to acknowledge the use of generative AI constitutes serious academic misconduct.</p>
<p>Extensions, Special Consideration and Late Penalties</p>	<p><i>Extensions and Special Consideration</i></p> <p>Any application for an extension or special consideration must be made via the process at this URL: https://www.monash.edu/students/admin/assessments/extensions-special-consideration</p> <p>Please note, all applications must be processed in accordance with the process in the above link – the Chief Examiner and Unit Staff cannot directly grant you an extension.</p> <p><i>Late Penalties</i></p> <p>Assessments submitted late, without the granting of special consideration, will be marked in accordance with the relevant late submission of assessment policy which provides for a penalty of 5% of the total marks available (ie. 1 mark) per day (or part-day) late. Assignments submitted more than seven days late (calendar days, not business days) will not be marked and will not have feedback provided.</p>
<p>Students Registered with Disability Support Services</p>	<p>If you are registered with Disability Support Services and, in accordance with that registration, would like to discuss relevant accommodations, please contact the Chief Examiner for your campus.</p>
<p>Support Resources</p>	<p>See Moodle Assessment page</p>
<p>Feedback</p>	<p>Your assessment will be marked out of 20. You will receive an overall mark out of 20. Qualitative feedback will be provided via the assessment rubric which will be attached to your returned assignment via Moodle.</p> <p>If you would like to discuss your assessment results and feedback further, you are welcome to attend student consultation times with your tutor or lecturer. Please note though that consultations are <u>not</u> an opportunity to negotiate higher marks, and in particular note that all failed assessments will have already been double-marked in accordance with the Faculty policy.</p>

We anticipate that marks and feedback will be returned 10 working days after the due date.

ASSESSMENT INSTRUCTIONS

Step 1: Review the Australian Consumer Law (ACL) and familiarise yourself with the concepts and conditions for misleading or deceptive conduct (section 18) and false and misleading representation (section 29), and provisions for consumer guarantee (sections 54 and 55). These provisions should be familiar to you from our Weeks 6 and 7 class materials including, readings, lectures and tutorial activities. Remember, extracts of the ACL are available to you on Moodle in the 'Own-Time' section. See in particular the documents available at these links:

- <https://learning.monash.edu/mod/resource/view.php?id=2741585>
- <https://learning.monash.edu/mod/resource/view.php?id=2741608>

Step 2: Choose *one* of the below fictional products for which you will create the wording to a Spotify advertisement. You do not need to create an advertisement for both products – choose only one.

*Option 1 – Smart Sleep Mask	*Option 2 – Air Fryer
<p>Product Name: "ZenSleep Smart Sleep Mask"</p> <p>Price: \$149.99</p> <p>Product Details:</p> <p><i>Description:</i> The ZenSleep Smart Sleep Mask is a revolutionary sleep aid designed to improve your sleep quality and overall well-being. With built-in technology, it helps you fall asleep faster and wake up refreshed.</p> <p><i>Features:</i></p> <ul style="list-style-type: none"> - Smart Sensors: Monitors sleep patterns and provides personalised feedback to optimise your sleep. - Bluetooth Connectivity: Syncs with your smartphone to play calming sounds or guided meditations. - Comfortable Design: Made with soft, breathable fabric for maximum comfort throughout the night. - Adjustable Fit: Customisable straps ensure a perfect fit for any head size. - Battery Life: Long-lasting battery allows for uninterrupted use through the night. <p>Promotional Slogan: "Dream Better, Live Better - ZenSleep Smart Sleep Mask."</p>	<p>Product Name: "GourmetPro Air Fryer"</p> <p>Price: \$179.99</p> <p>Product Details:</p> <p><i>Description:</i> The GourmetPro Air Fryer is a modern kitchen appliance that allows you to enjoy your favourite fried foods in a healthier way. It uses hot air circulation to cook food with little to no oil.</p> <p><i>Features:</i></p> <ul style="list-style-type: none"> - Healthy Cooking: Reduces fat content by up to 75% compared to traditional frying methods. - Large Capacity: 2 litre basket allows you to prepare meals for the whole family. - Digital Touchscreen: Easy-to-use controls with pre-set cooking functions for various foods. - Fast and Even Cooking: Rapid air technology ensures food is cooked evenly and quickly. - Dishwasher Safe: Removable parts are easy to clean and dishwasher safe. <p>Promotional Slogan: "Fry It Healthy, Fry It Easy - GourmetPro Air Fryer."</p>

*[*The above consumer product details were generated using ChatGPT-4o (<https://chatgpt.com/>). The outputs from ChatGPT were amended to convert measurements to the metric system and to ensure comparability between the two consumer products.]*

Step 3: Use the information provided above about your chosen product to prompt **Microsoft Copilot** (<https://copilot.microsoft.com/>) to create the wording in text form for a Spotify advertisement to present the product to consumers.

For this step you should use a 'zero' or a 'one-shot' prompt for this step. For guidance on prompt engineering, including the difference between 'zero/one-shot' and 'chain-of-thought' prompt engineering please refer to this guidance by Google: <https://developers.google.com/machine-learning/resources/prompt-eng>

When constructing your prompt for Copilot, include the following:

1. At least 3 key features of your chosen Spotify product. For example, if you choose Option 1 the 'Smart Sleep Mask', one possible combination of features you could choose would be: a) the promotional slogan; b) the 'Smart Sensors'; and c) the 'Adjustable fit'. The goal is to identify aspects from one of the products above to incorporate into your prompt.
2. Include in your prompt, at least 3 relevant provisions from the Australian Consumer Law (ACL). Focus on the following ACL sections: 18, 29, 54, and 55. These sections cover:
 - Prohibitions against misleading or deceptive conduct (section 18)
 - False or misleading representations about goods or services (section 29)
 - Consumer guarantees for acceptable quality (section 54)
 - Consumer guarantees for fitness for purpose (section 55)
3. As part of constructing your prompt, request for Copilot to create a Spotify advertisement that incorporates the features you chose and to potentially create legal concerns related to the specified ACL provisions.

Aim to produce the wording for a Spotify advertisement that is 100-200 words in length as this would be equivalent to a 1-2 minute audio advertisement. For examples of Spotify advertisements read aloud see [here \(https://www.youtube.com/watch?v=0P_q7-q2EH0\)](https://www.youtube.com/watch?v=0P_q7-q2EH0). Please note you are required to produce the text only for the Spotify advertisement. You are not expected to produce an audio document/file.

Step 4: Using the text to your Spotify advertisement that you produced in response to Step 3 as your base version, you will now amend the text to produce three different versions (3) of this text. Amend the text to produce the following three versions:

- Version 1 – amend this version of the advertisement text so that it is **fully compliant** with ACL.
- Version 2 – amend this version so that in at least 5 places the text compliance with the ACL is **borderline**, ambiguous or uncertain.
- Version 3 – amend this version of the text so that the advertisement is **non-compliant** with the ACL in at least 5 places.

Place the three different versions in the analysis template provided.

*The three versions can be crafted independently or with assistance from Microsoft's Copilot **using chain-of-thought (COT) prompts**, but if AI is used then you must document all the steps taken with screen grabs showing prompts, iterations and adjustments, and include the process documentation as an appendix at the end of the submission (maximum of 6 pages A4 size). For guidance on prompt engineering, including the difference between 'zero/one-shot' and 'chain-of-thought' prompt engineering please refer to this guidance by Google: <https://developers.google.com/machine-learning/resources/prompt-eng>*

Step 5: Access the 'Analysis Template' provided in Appendix 1 of this document (also available on Moodle in word format). Complete all of the sections of the Analysis Template demonstrating your understanding of how the different advertisement versions adhere (or not) to the consumer guarantees and prohibitions against false and misleading representation under the ACL.

Step 6: Save your response as a **Word document**. Ensure proper formatting, spelling, and grammar in your written analysis. Submission is required via the Assessment 3 Submission Dropbox available in the Assessments area on Moodle. Note: Turnitin will be used for similarity checking.

APPENDIX 1 – ANALYSIS TEMPLATE

In completing Assessment 3, you are required to use the below assessment template. A word version of this document is also available on Moodle in the 'Assessment 3 area'. You will need to address the questions embedded in this template. In providing your responses, please **delete and replace** all **highlighted** sections of text with your own response in the template. **You are welcome to expand the table cells to accommodate your response.**

Product: <Indicate the product you selected eg. option 1 or option 2>		Appendix included: <Have you included an appendix? Indicate Yes or No>	
	Version 1: Compliant	Version 2: Borderline	Version 3: Non-Compliant
Example advertisement texts	<Insert here your version of the advertisement text which is fully compliant with the ACL>	< Insert here your version of the advertisement text that has a compliance with the ACL which is borderline , ambiguous or uncertain>	<Insert here your version of the advertisement text which is non-compliant with the ACL>
Prohibition against false and misleading conduct provisions of ACL (200-300 words)	<Add reason(s) why the advertisement is compliant. In explaining why the advertisement is compliant, include references to sections to relevant sections of the ACL>	<Add dot point list of places that compliance may be ambiguous, include what and why mentioning specific references to sections to relevant sections of the ACL>	<Add dot point list of places that are non-compliant, include what and why mentioning specific references to sections to relevant sections of the ACL>
Consumer guarantee provisions of ACL (200-300 words)	<Add reason(s) why the advertisement is compliant. In explaining why the advertisement is compliant, include references to sections to relevant sections of the ACL>	<Add dot point list of places that compliance may be ambiguous, include what and why mentioning specific references to sections to relevant sections of the ACL>	<Add dot point list of places that are non-compliant, include what and why mentioning specific references to sections to relevant sections of the ACL>
What legal remedies are available to consumers for a breach of the consumer guarantees	<Add your answer in this section>		

<p>provisions under the ACL? What will the advertiser be liable for if there is a breach of the consumer guarantees? (100-200 words)</p>			
<p>What legal remedies are available to consumers for a breach of the prohibitions against false and misleading conduct provisions under the ACL? What will the advertiser be liable for if there is a breach of the prohibitions against false and misleading conduct provisions? (100-200 words)</p>	<p><Add your answer in this section></p>		
<p>What adjustments would be needed to make the advertisement fully compliant. (200-300 words)</p>	<p>Already compliant. Do not add additional text to this box.</p>	<p><Add dot point list of adjustments></p>	<p><Add dot point list of adjustments></p>
<p>Discuss the importance of compliance with the ACL in advertising.</p>	<p><Add your answer in this section></p>		

<p>Consider the importance and the different implications for both businesses and consumers (200-300 words)</p>	
<p>Acknowledgement & reflection (100-150 words)</p>	<p><Add: First explain the ways you used AI for the assessment with Copilot and other AI tools. Second reflect on the pros and cons of using AI in producing this assessment task></p>
<p>Sources</p>	<p><If you have used any sources outside of our course materials to inform your responses to this assessment identify and cite these sources below. Please use the citation style of your choice and ensure your references are consistent with that style. If you have only used our course materials to inform your response, simply insert below that only course materials were used to inform your response to this assessment.></p> <ol style="list-style-type: none"> 1. <Add source citation> 2. <Add source citation> 3. <Add source citation>

APPENDIX 2 – ASSESSMENT CRITERIA*

Criteria	High Distinction (HD)	Distinction (D)	Credit (C)	Pass (P)	Fail (F)
<p>Understanding of the misleading or deceptive conduct, and false and misleading representation, provisions of the ACL</p>	<p>Demonstrates a comprehensive understanding of the key provisions of the ACL relating to misleading or deceptive conduct, and false and misleading representations. Provides detailed and insightful analysis.</p>	<p>Demonstrates a good understanding of the key provisions of the ACL relating to misleading or deceptive conduct, and false and misleading representations. Provides a thorough analysis.</p>	<p>Demonstrates a satisfactory understanding of the key provisions of the ACL relating to misleading or deceptive conduct, and false and misleading representations. Provides a basic analysis.</p>	<p>Demonstrates a limited understanding of the key provisions of the ACL relating to misleading or deceptive conduct, and false and misleading representations. Provides a superficial analysis.</p>	<p>Demonstrates little to no understanding of the key provisions of the ACL relating to misleading or deceptive conduct, and false and misleading representations. Provides an inadequate or missing analysis.</p>
<p>Understanding of the consumer guarantee provisions of the ACL</p>	<p>Demonstrates a comprehensive understanding of the consumer guarantee provisions of the ACL. Provides detailed and insightful analysis.</p>	<p>Demonstrates a good understanding of the consumer guarantee provisions of the ACL. Provides a thorough analysis.</p>	<p>Demonstrates a satisfactory understanding of the consumer guarantee provisions of the ACL. Provides a basic analysis.</p>	<p>Demonstrates a limited understanding of the consumer guarantee provisions of the ACL. Provides a superficial analysis.</p>	<p>Demonstrates little to no understanding of the consumer guarantee provisions of the ACL. Provides an inadequate or missing analysis.</p>

Criteria	High Distinction (HD)	Distinction (D)	Credit (C)	Pass (P)	Fail (F)
Discussion of remedies available to consumers and whether the advertiser is liable	Provides a detailed and well-reasoned discussion of the remedies available to consumers and a comprehensive analysis of the advertiser's liability.	Provides a thorough discussion of the remedies available to consumers and a good analysis of the advertiser's liability.	Provides a satisfactory discussion of the remedies available to consumers and a basic analysis of the advertiser's liability.	Provides a limited discussion of the remedies available to consumers and a superficial analysis of the advertiser's liability.	Provides an inadequate or missing discussion of the remedies available to consumers and analysis of the advertiser's liability.
Discussion of recommendations to improve compliance with ACL	Provides a comprehensive and well-reasoned set of recommendations to improve compliance with the ACL.	Provides a thorough set of recommendations to improve compliance with the ACL.	Provides a satisfactory set of recommendations to improve compliance with the ACL.	Provides a limited set of recommendations to improve compliance with the ACL.	Provides an inadequate or missing set of recommendations to improve compliance with the ACL.
Discussion of importance of complying with the ACL	Provides a detailed and insightful discussion of the importance of complying with the ACL, including the potential consequences of non-compliance.	Provides a thorough discussion of the importance of complying with the ACL, including the potential consequences of non-compliance.	Provides a satisfactory discussion of the importance of complying with the ACL, including some potential consequences of non-compliance.	Provides a limited discussion of the importance of complying with the ACL, with minimal consideration of the potential consequences of non-compliance.	Provides an inadequate or missing discussion of the importance of complying with the ACL and the potential consequences of non-compliance.

Criteria	High Distinction (HD)	Distinction (D)	Credit (C)	Pass (P)	Fail (F)
Critical reflection on AI use in the assessment	Provides a comprehensive and well-reasoned critical reflection on the use of AI in the assessment.	Provides a thorough critical reflection on the use of AI in the assessment.	Provides a satisfactory critical reflection on the use of AI in the assessment.	Provides a limited critical reflection on the use of AI in the assessment.	Provides an inadequate or missing critical reflection on the use of AI in the assessment.

**[The above Assessment Criteria was created using Magic School AI. Details of the assessment were provided to the AI system which was then prompted to create an assessment criteria rubric. The produced rubric was then amended to fit the assessment design.]*