

Review of current newspaper article (business law)



**ASSIGN
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Introduction To Business Law Spring 2008 Assignment Part Current Article

[http://www.smh.com.](http://www.smh.com.au/news/national/rubble-trouble-how-our-system-fails/2008/09/21/1221935450246.html)

[au/news/national/rubble-trouble-how-our-system-fails/2008/09/21/12219354](http://www.smh.com.au/news/national/rubble-trouble-how-our-system-fails/2008/09/21/1221935450246.html)

[50246.html](http://www.smh.com.au/news/national/rubble-trouble-how-our-system-fails/2008/09/21/1221935450246.html)page= 3

Item

Response

Mark

1. 1 Author and Date

Burke, Kelley - 22 September 2008

1. 2 Publication and

Page/URL

The Sydney Morning Herald

<http://www.smh.com.au/news/national/rubble-trouble-how-our-system-fails/2008/09/21/1221935450246.html>

1. 3 How did you locate this article

Search Term: Fair Trade; Consumer Protection

1. 4 Summary of the Article

The article presents the agony of McFeddans family having been victims of unfair trade and the inefficiency of the imposition of consumer protection.

The author discusses how the McFeddans battled for the indemnification of their losses for the inability of the builders to complete their house that cost them big amount and the refusal of the insurance company to pay their claims on the grounds that they are not covered by the Home Warranty Insurance Scheme.

The article shows the long process of litigation discussing that the " supreme court ruled in favor of the McFeddans" but the builders applied to the Court

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of Appeals.

The article stresses on the process where the McFeddans cannot compel the insurer to pay them unless the builders are declared bankrupt.

1. 5 Why did you choose the article

The article is relevant in the study of fair trade, insurance, and consumer protection which are part and essential topics in the Introduction to Business Law.

How does this article relate to a topic in Introduction to Business Law

The article illustrates how the Australian government fails to provide enough protection to consumers like McFeddans family who have spent their money and time waiting for the completion of the house they have dreamed of only to be devastated because of the long process of the government to run after private insurers and the builders who take refuge in bankruptcy proceeding and who practices unfairness in trade.

It is an article that enlightens the researcher on the importance of knowledge in business law.

Part 2: Related Case

[http://www.minterellison.](http://www.minterellison.com/public/connect/Internet/Home/Legal+Insights/Alerts/NA-Warranty+insurance+WA)

[com/public/connect/Internet/Home/Legal+Insights/Alerts/NA-](http://www.minterellison.com/public/connect/Internet/Home/Legal+Insights/Alerts/NA-Warranty+insurance+WA)

[Warranty+insurance+WA](http://www.minterellison.com/public/connect/Internet/Home/Legal+Insights/Alerts/NA-Warranty+insurance+WA)

2. 1 Add a case related to this article

Vero Insurance Ltd v Harden-Jones & Anor

2. 1. 1 How does this case related to the article

The case is related to the article as it is a decided case that questions the legality of the policies of Home Building Warranty Schemes and ruled that the deeds of indemnity could be characterized as contracts of re-insurance

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and that " there was a genuine question as to whether the deeds were illegal by reason of non-compliance with the Insurance Act (Innovative Insights, 2007)."

2. 1. 2 How many judges decided this case

One (1)

2. 1. 3 Name them

Judge Philip Eaton

2. 2 In what jurisdiction was this case heard

Western Australian District Court

Was this an appellate decision or original

Original

Part 3: Related Statute :

[http://0-www.austlii.edu.au/prospero.murdoch.edu.au/au/legis/tas/consol_act/hia1992211/s7.html](http://0-www.austlii.edu.au/prospero/murdoch.edu.au/au/legis/tas/consol_act/hia1992211/s7.html)

3. 1 Add an Australian statute related to this article.

Housing Indemnity Act 1992 - Sec 7 (a).

3. 2 Explain how this section is connected to the article

This section of the Act provides " warranty that the building work will be performed in a proper and skilled manner and in accordance with the plans and specifications agreed to by the parties."

This provision of in the Act was not fulfilled the case of the builders of the house of McFeddans.

References:

Burke, K. (2008) " Rubble trouble: how our system fails," The Sydney Morning Herald. Retrieved, September 28, 2008 from <http://www.smh.com>.
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au/news/national/rubble-trouble-how-our-system-fails/2008/09/21/1221935450246.html

Housing Indemnity Act 1992. http://www.austlii.edu.au/au/legis/tas/consol_act/hia1992211/s7.html

Minter, E. (2007). " WA decision puts home owners warranty (HOW) market on tenterhooks. Innovative Insights. Retrieved, September 28, 2008 from <http://www.minterellison.com/public/connect/Internet/Home/Legal+Insights/Alerts/NA-Warranty+insurance+WA>