



LAWS1200

Contracts

Session 2, Special circumstance 2020

Macquarie Law School

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Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff

Unit Convenor, Lecturer, Tutor

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6 First Walk 624

TBA

Tutor

Julian Dight

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Credit points

10

Prerequisites

LAWS1000 or LAW115

Corequisites

Co-badged status

Unit description

The law of contracts is a fundamental area of study for an undergraduate degree in law and serves as the basis for a variety of later core and elective units. This unit equips students with a knowledge of essential doctrinal principles of contract law and the capacity to apply legal problem solving skills to the resolution of contractual disputes. It covers the formation of contracts, the contents and interpretation of contractual terms, the vitiating factors affecting contract formation, the discharge of contractual liabilities and other related issues such as formal requirements, illegality and privity of contract. In addition, the unit conveys an understanding of the main competing philosophies of contract and the practical role of contracts in a broader social and historical context.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

ULO1: Describe the legal principles relating to contract law.

ULO2: Explain the main competing philosophies underpinning contract law and describe the role of contracts in a historical and social context.

ULO3: Formulate, present and evaluate oral and written arguments about contract law, drawing upon relevant precedent and policy considerations.

ULO4: Analyse hypothetical fact situations, identify legal and factual issues involving the law relating to contract law, and apply relevant principles to solve legal problems.

ULO5: Demonstrate research, writing and referencing skills appropriate to students undertaking a 100 level unit.

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|---|-----------|--------|----------------------|
| Early Assessment | 10% | No | Sat-Sun 22-23 Aug |
| Assignment | 30% | No | Mon 7 Sep |
| Mid-Semester Assessment | 10% | No | Sat-Sun 3-4 Oct |
| Multiple Choice Quiz | 10% | No | Sat-Sun 31 Oct-1 Nov |
| Take Home Test | 40% | No | Tue 17 Nov |

Early Assessment

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 5 hours

Due: **Sat-Sun 22-23 Aug**

Weighting: **10%**

The early assessment task is an online multiple choice test.

On successful completion you will be able to:

- Describe the legal principles relating to contract law.

Assignment

Assessment Type ¹: Essay

Indicative Time on Task ²: 40 hours

Due: **Mon 7 Sep**

Weighting: **30%**

The Assignment in this unit will be a hypothetical problem question.

On successful completion you will be able to:

- Describe the legal principles relating to contract law.
- Formulate, present and evaluate oral and written arguments about contract law, drawing upon relevant precedent and policy considerations.
- Analyse hypothetical fact situations, identify legal and factual issues involving the law relating to contract law, and apply relevant principles to solve legal problems.
- Demonstrate research, writing and referencing skills appropriate to students undertaking a 100 level unit.

Mid-Semester Assessment

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 5 hours

Due: **Sat-Sun 3-4 Oct**

Weighting: **10%**

The Assignment in this unit will be a hypothetical problem question.

On successful completion you will be able to:

- Describe the legal principles relating to contract law.

Multiple Choice Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 1 hours

Due: **Sat-Sun 31 Oct-1 Nov**

Weighting: **10%**

Students will complete an online quiz testing material covered in the weekly zoom tutorials and lectures.

On successful completion you will be able to:

- Describe the legal principles relating to contract law.

- Explain the main competing philosophies underpinning contract law and describe the role of contracts in a historical and social context.
- Formulate, present and evaluate oral and written arguments about contract law, drawing upon relevant precedent and policy considerations.

Take Home Test

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 48 hours

Due: **Tue 17 Nov**

Weighting: **40%**

Students will complete a time limited take home test based on material covered in the unit.

On successful completion you will be able to:

- Describe the legal principles relating to contract law.
- Explain the main competing philosophies underpinning contract law and describe the role of contracts in a historical and social context.
- Formulate, present and evaluate oral and written arguments about contract law, drawing upon relevant precedent and policy considerations.
- Analyse hypothetical fact situations, identify legal and factual issues involving the law relating to contract law, and apply relevant principles to solve legal problems.

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Prescribed Texts

- P Radan, J Gooley & I Vickovich, *Principles of Australian Contract Law*, 4th ed, LexisNexis, Sydney, 2018
- P Radan, J Gooley & I Vickovich, *Principles of Australian Contract Law: Cases &*

Materials, 4th ed, LexisNexis, Sydney, 2018

- Notes and other additional materials available on iLearn and Leganto.

Recommended Texts

- J W Carter, *Contract Law in Australia*, 7th ed, LexisNexis, 2018
- N Seddon & R Bigwood, *Cheshire & Fifoot Law of Contract*, 11th ed, LexisNexis, 2017
- J D Heydon, *Heydon on Contract*, Thompson Reuters, 2019
- J Robertson & A Paterson, *Principles of Contract Law*, 6th ed, Thompson Reuters, 2020.

Unit Schedule

UNIT SCHEDULE

Session 2, 2020

| Week | Week Commencing | Lecture Topic | Tutorial Topic |
|------|-----------------|--|--|
| 1 | 27 Jul | Introduction to Contracts; Overview of Contract Remedies | Legal Problem Solving Model |
| 2 | 3 Aug | Agreement – Offer and Acceptance | Introduction to Contracts; Overview of Contract Remedies |
| 3 | 10 Aug | Consideration; Equitable Estoppel; Intention | Agreement – Offer and Acceptance |
| 4 | 17 Aug | Certainty and Completeness; Capacity; Requirement of Writing | Consideration; Equitable Estoppel; Intention |
| 5 | 24 Aug | Express Terms | Certainty and Completeness; Capacity; Requirement of Writing |
| 6 | 31 Aug | Implied Terms; Construction of Terms; Exclusion Clauses | Express Terms |
| 7 | 7 Sep | Misrepresentation; Misleading or Deceptive Conduct; Mistake | Implied Terms; Construction of Terms; Exclusion Clauses |

| Mid-Semester Break | | | |
|--------------------|--------|--|---|
| 8 | 28 Sep | Duress; Undue Influence; Unconscionability | Misrepresentation; Misleading or Deceptive Conduct; Mistake |
| 9 | 5 Oct | Discharge by Agreement; Discharge by Performance | Duress; Undue Influence; Unconscionability |
| 10 | 12 Oct | Discharge by Breach; Discharge by Frustration | Discharge by Agreement; Discharge by Performance |
| 11 | 19 Oct | Illegality | Discharge by Breach; Discharge by Frustration |
| 12 | 26 Oct | Privity of Contract; Contract Theory | Illegality |
| 13 | 2 Nov | Contracts in Context; Exam Preparation | Privity of Contract |

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway \(https://students.mq.edu.au/support/study/student-policy-gateway\)](https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central \(http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/

[offices_and_units/information_technology/help/](#).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.