LAWS1200

Contracts

Session 2, Weekday attendance, North Ryde 2021

Macquarie Law School

Contents

General Information .............................................. 2
Learning Outcomes .............................................. 3
General Assessment Information ......................... 3
Assessment Tasks ................................................ 3
Delivery and Resources ....................................... 5
Unit Schedule ..................................................... 6
Policies and Procedures ....................................... 7

Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

Session 2 Learning and Teaching Update

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of units with mandatory on-campus classes/teaching activities.

Visit the MQ COVID-19 information page for more detail.
General Information

Unit convenor and teaching staff
Unit Convenor, Lecturer, Tutor
(Mr) Ilija Vickovich (ilija.vickovich@mq.edu.au)
ilija.vickovich@mq.edu.au
Contact via Contact through iLearn link
6 First Walk, Room 624
Thursdays 1.30pm-2.30pm

Tutor
Julian Dight
julian.dight@mq.edu.au

Tutor
Liza Rybak
liza.rybak@mq.edu.au

Tutor
Rod Smith
roderick.smith@mq.edu.au

Credit points
10

Prerequisites
LAWS1000 or LAW115

Corequisites

Co-badge 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://students.mq.edu.au/important-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.

General Assessment Information
Late Submission Penalty
Unless a Disruption to Studies request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

Assessment Tasks

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Hurdle</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Participation</td>
<td>10%</td>
<td>No</td>
<td>Continuing</td>
</tr>
<tr>
<td>Multiple Choice</td>
<td>30%</td>
<td>No</td>
<td>23:59 22/08/2021; 23:59 03/10/2021; 23.59 31/10/2021</td>
</tr>
<tr>
<td>Quiz</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Take Home Test</td>
<td>40%</td>
<td>No</td>
<td>17:00 12/11/2021</td>
</tr>
<tr>
<td>Problem Question</td>
<td>20%</td>
<td>No</td>
<td>23:59 06/09/2021</td>
</tr>
</tbody>
</table>

Class Participation
Assessment Type 1: Participatory task
Indicative Time on Task 2: 13 hours
Due: Continuing
Weighting: **10%**

Students will participate in a one-hour tutorial every week that will provide the opportunity to explore, analyse and apply the principal doctrinal rules covered in 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.

**Multiple Choice Quiz**

Assessment Type: 1: Quiz/Test
Indicative Time on Task: 2: 3 hours
Due: **23:59 22/08/2021; 23:59 03/10/2021; 23:59 31/10/2021**
Weighting: **30%**

Students will complete three online quizzes across the semester testing material covered in the weekly 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: **17:00 12/11/2021**
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.
- Demonstrate research, writing and referencing skills appropriate to students undertaking a 100 level unit.

Problem Question

Assessment Type: Quiz/Test
Indicative Time on Task: 5 hours
Due: 23:59 06/09/2021
Weighting: 20%

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

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 Learning Skills Unit 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
Notes and other additional materials available on iLearn and Leganto.

**Recommended Texts**

J W Carter, *Contract Law in Australia*, 7th ed, LexisNexis, 2018


**Unit Schedule**

**LECTURE SCHEDULE**

**Session 1, 2021**

<table>
<thead>
<tr>
<th>Week</th>
<th>Week Commencing</th>
<th>Lecture Topic</th>
<th>Tutorial Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>26 July</td>
<td>Introduction to Contracts; Overview of Contract Remedies</td>
<td>Legal Problem-Solving Model</td>
</tr>
<tr>
<td>2</td>
<td>31 July</td>
<td>Agreement – Offer and Acceptance</td>
<td>Introduction to Contracts; Overview of Contract Remedies</td>
</tr>
<tr>
<td>3</td>
<td>7 Aug</td>
<td>Consideration; Equitable Estoppel; Intention</td>
<td>Agreement – Offer and Acceptance</td>
</tr>
<tr>
<td>4</td>
<td>14 Aug</td>
<td>Certainty and Completeness; Capacity; Requirement of Writing</td>
<td>Consideration; Equitable Estoppel; Intention</td>
</tr>
<tr>
<td>5</td>
<td>21 Aug</td>
<td>Express Terms</td>
<td>Certainty and Completeness; Capacity; Requirement of Writing</td>
</tr>
<tr>
<td>6</td>
<td>28 Aug</td>
<td>Implied Terms; Construction of Terms; Exclusion Clauses</td>
<td>Express Terms</td>
</tr>
<tr>
<td>Unit guide LAWS1200 Contracts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policies and Procedures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Macquarie University policies and procedures are accessible from Policy Central (<a href="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</a>). Students should be aware of the following policies in particular with regard to Learning and Teaching:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Academic Appeals Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Academic Integrity Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Academic Progression Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Assessment Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Fitness to Practice Procedure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Grade Appeal Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Complaint Management Procedure for Students and Members of the Public</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7</th>
<th>4 Sep</th>
<th>Misrepresentation; Misleading or Deceptive Conduct; Mistake</th>
<th>Implied Terms; Construction of Terms; Exclusion Clauses</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>25 Sep</td>
<td>Duress; Undue Influence; Unconscionability</td>
<td>Misrepresentation; Misleading or Deceptive Conduct; Mistake</td>
</tr>
<tr>
<td>9</td>
<td>2 Oct</td>
<td>Discharge by Agreement; Discharge by Performance</td>
<td>Duress; Undue Influence; Unconscionability</td>
</tr>
<tr>
<td>10</td>
<td>9 Oct</td>
<td>Discharge by Breach; Discharge by Frustration</td>
<td>Discharge by Agreement; Discharge by Performance</td>
</tr>
<tr>
<td>11</td>
<td>16 Oct</td>
<td>Illegality</td>
<td>Discharge by Breach; Discharge by Frustration</td>
</tr>
<tr>
<td>12</td>
<td>23 Oct</td>
<td>Privity of Contract; Contracts in Context</td>
<td>Illegality</td>
</tr>
<tr>
<td>13</td>
<td>30 Oct</td>
<td>Contract Theory; Exam Preparation</td>
<td>Privity of Contract</td>
</tr>
</tbody>
</table>

MID-SESSION BREAK
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). 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 (https://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/admin/other-resources/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 Enquiry Service

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
Equity 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.

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.