LAWS1200
Contracts
Session 2, Weekday attendance, North Ryde 2021
Macquarie Law School

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Notice
Some on-campus classes have moved online for the first two weeks of Session, before returning to campus in Week 3. If you are studying a unit outside of the primary Session 2 timetable, please contact your teaching staff team for further details.

Some classes/teaching activities cannot be moved online and must be taught on campus. To find out if you are enrolled in one of these classes/teaching activities, you can check to see if your unit is on the list of units with mandatory on-campus classes/teaching activities.

Your Unit Convenor will provide more information via an iLearn announcement when your iLearn unit becomes available.
## General Information

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

Tutor
Julian Dight
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Tutor
Liza Rybak
[liza.rybak@mq.edu.au](mailto:liza.rybak@mq.edu.au)

Tutor
Rod Smith
[roderick.smith@mq.edu.au](mailto:roderick.smith@mq.edu.au)

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://students.mq.edu.au/important-dates](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 Quiz</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>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: Participatory task
Indicative Time on Task: 13 hours
Due: Continuing
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: Quiz/Test
Indicative Time on Task: 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: Quiz/Test
Indicative Time on Task: 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 1: Quiz/Test
Indicative Time on Task 2: 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
Unit 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>
</tbody>
</table>
### 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). 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**

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<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Topic</th>
<th>Other Relevant Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>4 Sep</td>
<td>Misrepresentation; Misleading or Deceptive Conduct; Mistake</td>
<td>Implied Terms; Construction of Terms; Exclusion Clauses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MID-SESSION BREAK</td>
<td></td>
</tr>
<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>
• **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/admin/other-resources/student-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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](http://students.mq.edu.au/support/)

**Learning Skills**

Learning Skills ([mq.edu.au/learningskills](http://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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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.