



# LAWS8030

## The Law of Obligations I - Contracts

Session 2, Infrequent attendance, North Ryde 2021

*Macquarie Law School*

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#### **Disclaimer**

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#### **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

Convenor, Lecturer, Tutor

Ilija Vickovich

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Contact via Through iLean link

6 First Walk, Room 624

Thursdays 1.30pm-2.30pm

Credit points

10

Prerequisites

Admission to GradCertLaw or GradDipLaw or Admission to JD

Corequisites

LAWS600 or LAWS8001

Co-badged status

Unit description

A study of the law of contract is fundamental for any law student. In this unit students will study the foundational elements of contract law such as the formation of contract, the characterisation and interpretation of contractual terms, factors which vitiate the formation of a valid contract, the requirement for consideration, privity of contract and the discharge of contractual liabilities. Greater depth of understanding of significant issues in the historical and contemporary development of contract law is achieved through the examination and critique of competing philosophies of contract and international comparisons. Problem solving skills are also developed and tested through hypothetical problem questions. Research skills are tested with a research assignment.

## 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:** Demonstrate a detailed and thorough knowledge of legal principles relating to contract law.

**ULO2:** Interpret and transmit knowledge, skills and concepts of contract law to specialist and non-specialist audiences.

**ULO3:** Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems.

**ULO4:** Research, formulate, present and evaluate oral and written arguments on complex contract law problems and principles, drawing upon relevant legal authority and policy considerations.

## General Assessment Information

### Late Assessment 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.

**FIT TO SIT MODEL** Macquarie University operates under a 'Fit to Sit' model. This means that in sitting an exam and/or in-class test or otherwise submitting an assessment (including an online quiz), a student declares themselves fit to do so. Therefore, if a student is feeling unfit to sit the exam or test, or otherwise submit the assessment (as the case may be), they should not do so. If a student sits an exam or test, or otherwise submits an assessment, knowing that they are unfit to do so, they will not be granted Special Consideration. It is the responsibility of the student to determine whether they are fit to sit an examination or test or otherwise submit an assessment, or whether a Special Consideration application should be submitted. A student's sitting an examination or test or otherwise submitting an assessment will not preclude the student from being granted Special Consideration if the student can demonstrate that: • they were unfit to make reasonable judgement on their fitness to undertake the assessment, due to mental illness or other exceptional circumstances; • they were taken ill during the assessment (in the case of an examination or test); or • other exceptional circumstances beyond their control vitiated the Fit to Sit declaration.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Online quizzes</u>	30%	No	23:59 22/08/2021; 03/10/2021; 31/10/2021
<u>Problem Question</u>	20%	No	23:59 24/09/2021
<u>Take Home Test</u>	40%	No	17:00 13/11/2021
<u>Class participation</u>	10%	No	Continuing

## Online quizzes

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 3 hours

Due: **23:59 22/08/2021; 03/10/2021; 31/10/2021**

Weighting: **30%**

Students will undertake three online quizzes across semester, testing knowledge of material covered in the lectures and tutorials.

On successful completion you will be able to:

- Demonstrate a detailed and thorough knowledge of legal principles relating to contract law.
- Interpret and transmit knowledge, skills and concepts of contract law to specialist and non-specialist audiences.
- Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems.

## Problem Question

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 3 hours

Due: **23:59 24/09/2021**

Weighting: **20%**

Hypothetical problem question.

On successful completion you will be able to:

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- Interpret and transmit knowledge, skills and concepts of contract law to specialist and non-specialist audiences.
- Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems.
- Research, formulate, present and evaluate oral and written arguments on complex contract law problems and principles, drawing upon relevant legal authority and policy

considerations.

## Take Home Test

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 35 hours

Due: **17:00 13/11/2021**

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:

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- Interpret and transmit knowledge, skills and concepts of contract law to specialist and non-specialist audiences.
- Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems.
- Research, formulate, present and evaluate oral and written arguments on complex contract law problems and principles, drawing upon relevant legal authority and policy considerations.

## Class participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 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:

- Demonstrate a detailed and thorough knowledge of legal principles relating to contract law.
- Interpret and transmit knowledge, skills and concepts of contract law to specialist and non-specialist audiences.

- Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems.

<sup>1</sup> 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.

<sup>2</sup> 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

### RESOURCES

#### Prescribed Materials

1. P Radan, J Gooley, & I Vickovich, *Principles of Australian Contract Law*, 5th ed, LexisNexis, 2021
2. P Radan, J Gooley, & I Vickovich, *Principles of Australian Contract Law, Cases & Materials*, 5th ed, LexisNexis, 2021

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 1, 2021

**NOTE: Tutorials commence in Week 1**

Week	Week Commencing	Lecture Topic	Tutorial Topic
1	26 July	Introduction to Contracts; Overview of Contract Remedies	Legal Problem Solving Model

2	2 Aug	Agreement – Offer and Acceptance	Introduction to Contracts; Overview of Contract Remedies
3	9 Aug	Consideration; Equitable Estoppel; Intention	Agreement – Offer and Acceptance
4	16 Aug	Certainty and Completeness; Capacity; Requirement of Writing	Consideration; Equitable Estoppel; Intention
5	23 Aug	Express Terms	Certainty and Completeness; Capacity; Requirement of Writing
6	30 Aug	Implied Terms; Construction of Terms; Exclusion Clauses	Express Terms
7	6 Sep	Misrepresentation; Misleading or Deceptive Conduct; Mistake	Implied Terms; Construction of Terms; Exclusion Clauses
		MID_SEMESTER BREAK	
8	27 Sep	Duress; Undue Influence; Unconscionability	Misrepresentation; Misleading or Deceptive Conduct; Mistake
9	4 Oct	Discharge by Agreement; Discharge by Performance	Duress; Undue Influence; Unconscionability
10	11 Oct	Discharge by Breach; Discharge by Frustration	Discharge by Agreement; Discharge by Performance
11	18 Oct	Illegality	Discharge by Breach; Discharge by Frustration
12	25 Oct	Privity of Contract; Contracts in Context	Illegality
13	1 Nov	Contracts Theory Exam Preparation	Privity of Contract

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## 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](https://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/>

## Learning Skills

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

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