



# LAWS1200

## Contracts

Session 1, Special circumstances 2021

*Macquarie Law School*

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### **Disclaimer**

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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 activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face 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  
(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  
Mondays 4pm-5pm

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>

## 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 Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Class Participation</a>	10%	No	Weekly
<a href="#">Problem Question</a>	20%	No	6 April
<a href="#">Multiple Choice Quiz</a>	30%	No	Weeks 4, 8, 12
<a href="#">Take Home Test</a>	40%	No	15 June

### Class Participation

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

Indicative Time on Task <sup>2</sup>: 13 hours

Due: **Weekly**

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.

## Problem Question

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

Indicative Time on Task <sup>2</sup>: 5 hours

Due: **6 April**

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.

## Multiple Choice Quiz

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

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

Due: **Weeks 4, 8, 12**

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

Indicative Time on Task <sup>2</sup>: 48 hours

Due: **15 June**

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.

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<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 [Learning Skills Unit](#) 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

### Prescribed Texts

P Radan, J Gooley & I Vickovich, *Principles of Australian Contract Law*, 5th ed, LexisNexis, Sydney, 2021

P Radan, J Gooley & I Vickovich, *Principles of Australian Contract Law: Cases & Materials*, 5th ed, LexisNexis, Sydney, 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

### LECTURE SCHEDULE

#### Session 1, 2021

Week	Week Commencing	Lecture Topic	Tutorial Topic
1	22 Feb	Introduction to Contracts; Overview of Contract Remedies	Legal Problem-Solving Model
2	1 Mar	Agreement – Offer and Acceptance	Introduction to Contracts; Overview of Contract Remedies
3	8 Mar	Consideration; Equitable Estoppel; Intention	Agreement – Offer and Acceptance
4	15 Mar	Certainty and Completeness; Capacity; Requirement of Writing	Consideration; Equitable Estoppel; Intention
5	22 Mar	Express Terms	Certainty and Completeness; Capacity; Requirement of Writing
6	29 Mar	Implied Terms; Construction of Terms; Exclusion Clauses	Express Terms
<b>Mid-Semester Break</b>			
7	19 Apr	Misrepresentation; Misleading or Deceptive Conduct; Mistake	Implied Terms; Construction of Terms; Exclusion Clauses
8	26 Apr	Duress; Undue Influence; Unconscionability	Misrepresentation; Misleading or Deceptive Conduct; Mistake

9	3 May	Discharge by Agreement; Discharge by Performance	Duress; Undue Influence; Unconscionability
10	10 May	Discharge by Breach; Discharge by Frustration	Discharge by Agreement; Discharge by Performance
11	17 May	Illegality	Discharge by Breach; Discharge by Frustration
12	24 May	Privity of Contract; Contracts in Context	Illegality
13	31 May	Contract 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](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/>

## 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/](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.