# LAWS8030

## The Law of Obligations I - Contracts

Session 1, Special circumstances, Other 2021

*Macquarie Law School*

## Contents


General Information 2

Learning Outcomes 2

General Assessment Information 3

Assessment Tasks 3

Delivery and Resources 5

Unit Schedule 6

Policies and Procedures 7



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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

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|---|
| Unit convenor and teaching staff<br>Convenor, Lecturer, Tutor<br>Ilija Vickovich<br>ilija.vickovich@mq.edu.au<br>Contact via Through iLean link<br>6 First Walk, Room 624<br>Mondays 4pm-5pm |
| Credit points<br>10 |
| Prerequisites<br>Admission to GradCertLaw or GradDipLaw or Admission to JD |
| Corequisites<br>LAWS600 or LAWS8001 |
| Co-badged status |
| Unit description<br>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 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 |
|---|---|---|---|
| Class participation | 10% | No | Weekly |
| Online quizzes | 30% | No | Weeks 4, 8, 12 |
| Problem Question | 20% | No | 13 April |
| Take Home Test | 40% | No | 15 June |

## Class participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 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:

- 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.

## Online quizzes

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 3 hours
Due: **Weeks 4, 8, 12**
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 [1]: Quiz/Test
Indicative Time on Task [2]: 3 hours
Due: **13 April**
Weighting: **20%**

Hypothetical problem question.

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.
- 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 [1]: Quiz/Test
Indicative Time on Task [2]: 35 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:

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

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[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

**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 | 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 |
| | | **Mid-Session Break** | |
| 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; Contract Theory | Illegality |
| 13 | 31 May | Contracts in Context;<br>Exam Preparation | Privity of Contract |

# Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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). 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) 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 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.