LAWS1200

Contracts

Session 2, Online-scheduled-weekday 2022

Macquarie Law School

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General Information

Unit convenor and teaching staff
Convenor, Lecturer, Tutor
Lisa Spagnolo
lisa.spagnolo@mq.edu.au
6 First Walk (Room 516)
Email for an appointment.

Lecturer, Tutor
Ilija Vickovich
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6 First Walk (Room 624)
Wednesdays, 12.30pm-1.30pm

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://www.mq.edu.au/study/calendar-of-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 ASSESSMENT SUBMISSION PENALTY

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of ‘0’ (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (the Assignment). Late submission of time sensitive tasks (the Quizzes, Tutorial Participation and the Final Exam/Take Home Test) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

SUBMITTING ASSESSMENTS

Apart from Participation, all assessments are submitted electronically through iLearn. Turnitin plagiarism detection software is used to check all written assessments. Students should carefully check that they submit the correct file for an assessment as no resubmissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

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>Tutorials (weeks 1-13)</td>
</tr>
<tr>
<td>Multiple Choice Quiz</td>
<td>30%</td>
<td>No</td>
<td>20-21 August, 1-2 October, 29-30 October (Sydney time)</td>
</tr>
</tbody>
</table>
### Problem Question
- **Assessment Type**: Participatory task
- **Indicative Time on Task**: 13 hours
- **Due**: 7 September, 11:55PM (Sydney time)
- **Weighting**: 20%
- **Hurdle**: No

### Take Home Test
- **Assessment Type**: Quiz/Test
- **Indicative Time on Task**: 3 hours
- **Due**: 7 November, 10:00AM-1:00PM (Sydney time)
- **Weighting**: 40%
- **Hurdle**: No

## Class Participation
- **Assessment Type**: Participatory task
- **Indicative Time on Task**: 13 hours
- **Due**: Tutorials (weeks 1-13)
- **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**: Quiz/Test
- **Indicative Time on Task**: 3 hours
- **Due**: 20-21 August, 1-2 October, 29-30 October (Sydney time)
- **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.
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Problem Question
Assessment Type 1: Quiz/Test
Indicative Time on Task 2: 5 hours
Due: 7 September, 11:55PM (Sydney time)
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.

Take Home Test
Assessment Type 1: Quiz/Test
Indicative Time on Task 2: 48 hours
Due: 7 November, 10:00AM-1:00PM (Sydney time)
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.
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 TEXTS (2)**


Leganto (on iLearn) links you to additional readings.

**RECOMMENDED TEXTS & RESOURCES**


Please note there are also numerous resources available through the library.

**DELIVERY**

**LECTURES** commence in Week 1. Lectures amount to a total of two hours per week, and consist of two parts: Part A - Lectures pre-recorded and uploaded each week; and Part B - Live lectures delivered face-to-face on campus and uploaded each week.

**TUTORIALS** commence in Week 1. Tutorials run for one hour per week, either face-to-face on campus or Zoom online tutorial. Note that Tutorial Participation is assessed.

**Unit Schedule**

<table>
<thead>
<tr>
<th>Week commencing</th>
<th>Lecture</th>
<th>Tutorial</th>
</tr>
</thead>
</table>

https://unitguides.mq.edu.au/unit_offers/153086/unit_guide/print
<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Topic</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>25 July</td>
<td>Introduction to contract; Overview of remedies</td>
<td>Legal Problem-Solving Model</td>
</tr>
<tr>
<td>2</td>
<td>1 August</td>
<td>Agreement - Offer &amp; Acceptance</td>
<td>Introduction to contract; Overview of remedies</td>
</tr>
<tr>
<td>3</td>
<td>8 August</td>
<td>Consideration; Equitable Estoppel; Intention</td>
<td>Agreement - Offer &amp; Acceptance</td>
</tr>
<tr>
<td>4</td>
<td>15 August</td>
<td>Certainty &amp; Completeness; Capacity; Writing Requirement</td>
<td>Consideration; Equitable Estoppel; Intention</td>
</tr>
<tr>
<td>5</td>
<td>22 August</td>
<td>Express Terms</td>
<td>Certainty &amp; Completeness; Capacity; Writing Requirement</td>
</tr>
<tr>
<td>6</td>
<td>29 August</td>
<td>Implied Terms; Construction; Exclusion Clauses</td>
<td>Express Terms</td>
</tr>
<tr>
<td>7</td>
<td>5 September</td>
<td>Misrepresentation; Misleading or Deceptive Conduct; Mistake</td>
<td>Implied Terms; Construction; Exclusion Clauses</td>
</tr>
<tr>
<td>8</td>
<td>26 September</td>
<td>Duress; Undue Influence; Unconscionability</td>
<td>Misrepresentation; Misleading or Deceptive Conduct; Mistake</td>
</tr>
<tr>
<td>9</td>
<td>3 October</td>
<td>Discharge by Agreement; Discharge by Performance</td>
<td>Duress; Undue Influence; Unconscionability</td>
</tr>
<tr>
<td>10</td>
<td>10 October</td>
<td>Discharge by Breach; Discharge by Frustration</td>
<td>Discharge by Agreement; Discharge by Performance</td>
</tr>
<tr>
<td>11</td>
<td>17 October</td>
<td>Illegality</td>
<td>Discharge by Breach; Discharge by Frustration</td>
</tr>
<tr>
<td>12</td>
<td>24 October</td>
<td>Privity; Contracts in Context</td>
<td>Illegality</td>
</tr>
<tr>
<td>13</td>
<td>31 October</td>
<td>Contract Theory; Exam preparation</td>
<td>Privity</td>
</tr>
</tbody>
</table>

### 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**
Assessment Procedure
Complaints Resolution 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](https://students.mq.edu.au/admin/other-resources/student-conduct)

**Results**

Results published on platform other than [eStudent](https://students.mq.edu.au/), (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](https://students.mq.edu.au/). 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)

**Academic Integrity**

At Macquarie, we believe academic integrity – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

**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/)

**The Writing Centre**

The Writing Centre provides resources to develop your English language proficiency, academic writing, and communication skills.

- Workshops
- Chat with a WriteWISE peer writing leader
- Access StudyWISE
- Upload an assignment to Studiosity
- Complete the Academic Integrity Module

The Library provides online and face to face support to help you find and use relevant information resources.
Macquarie University offers a range of Student Support Services including:

- IT Support
- Accessibility and disability support with study
- Mental health support
- Safety support to respond to bullying, harassment, sexual harassment and sexual assault
- Social support including information about finances, tenancy and legal issues

Got a question? Ask us via AskMQ, or contact Service Connect.

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.