



# LAWS1200

## Contracts

Session 2, In person-scheduled-weekday, North Ryde 2022

*Macquarie Law School*

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### **Disclaimer**

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## General Information

### Unit convenor and teaching staff

Convenor, Lecturer, Tutor

Lisa Spagnolo

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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

Name	Weighting	Hurdle	Due
<a href="#">Class Participation</a>	10%	No	Tutorials (weeks 1-13)
<a href="#">Multiple Choice Quiz</a>	30%	No	20-21 August, 1-2 October, 29-30 October (Sydney time)

Name	Weighting	Hurdle	Due
<a href="#">Problem Question</a>	20%	No	7 September, 11:55PM (Sydney time)
<a href="#">Take Home Test</a>	40%	No	7 November, 10:00AM-1:00PM (Sydney time)

## Class Participation

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

Indicative Time on Task <sup>2</sup>: 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 <sup>1</sup>: Quiz/Test

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

## Problem Question

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

Indicative Time on Task <sup>2</sup>: 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 <sup>1</sup>: Quiz/Test

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

<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 TEXTS (2)

J Gooley, P Radan & I Vickovich, *Principles of Australian Contract Law* (5th edn, 2021 Lexis Nexis) ISBN: 9780409351637

J Gooley, P Radan & I Vickovich, *Principles of Australian Contract Law: Cases and Materials* (5th edn, 2021 Lexis Nexis) ISBN: 9780409351613

Leganto (on iLearn) links you to additional readings.

#### RECOMMENDED TEXTS & RESOURCES

JW Carter, *Contract Law in Australia* (7th edn, 2018 Lexis Nexis) ISBN: 9780409348316

A Robertson & J Paterson, *Principles of Contract Law* (6th edn, 2020 Thomson Reuters) ISBN: 9780455243085

K Yin, S Kozlina, K Green, L Siliquini-Cinelli, E Laryea & L Spagnolo, *Contract Law: Cases and Materials* (2020, Cambridge University Press) ISBN: 9781108435277

N Seddon & R Bigwood, *Cheshire & Fifoot Law of Contract* (12th Australian edn, 2022 Lexis Nexis) ISBN: 9780409343960

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

Week	Week commencing	Lecture	Tutorial
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1	25 July	Introduction to contract; Overview of remedies	<i>Legal Problem-Solving Model</i>
2	1 August	Agreement - Offer & Acceptance	<i>Introduction to contract; Overview of remedies</i>
3	8 August	Consideration; Equitable Estoppel; Intention	<i>Agreement - Offer &amp; Acceptance</i>
4	15 August	Certainty & Completeness; Capacity; Writing Requirement	<i>Consideration; Equitable Estoppel; Intention</i>
5	22 August	Express Terms	<i>Certainty &amp; Completeness; Capacity; Writing Requirement</i>
6	29 August	Implied Terms; Construction; Exclusion Clauses	<i>Express Terms</i>
7	5 September	Misrepresentation; Misleading or Deceptive Conduct; Mistake	<i>Implied Terms; Construction; Exclusion Clauses</i>
	12-23 September	-- MID-SESSION BREAK --	
8	26 September	Duress; Undue Influence; Unconscionability	<i>Misrepresentation; Misleading or Deceptive Conduct; Mistake</i>
9	3 October	Discharge by Agreement; Discharge by Performance	<i>Duress; Undue Influence; Unconscionability</i>
10	10 October	Discharge by Breach; Discharge by Frustration	<i>Discharge by Agreement; Discharge by Performance</i>
11	17 October	Illegality	<i>Discharge by Breach; Discharge by Frustration</i>
12	24 October	Privity; Contracts in Context	<i>Illegality</i>
13	31 October	Contract Theory; Exam preparation	<i>Privity</i>

## 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](#)

- [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) (<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)

## 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/>

## 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.



- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## Student Services and Support

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](#)

## Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

## 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.