



LAWS1200

Contracts

Session 1, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

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General Information

Unit convenor and teaching staff
Unit Convenor, Lecturer, Tutor
(Mr) Ilija Vickovich (ilija.vickovich@mq.edu.au)

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Contact via Contact through iLearn link

6 First Walk, Room 624

Wednesdays 11.30am-12.30pm

Tutor

Lisa Spagnolo

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TBA

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

Unless a Special Consideration 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. No late submissions will be accepted for timed assessments - e.g. quizzes, online tests.

All assessments are submitted electronically. 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 re-submissions will be accepted after the due date and time**, including instances where students upload an incorrect file in error.

Word limits are strictly applied. **Work above the word limit will not be marked.** Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation 4th ed.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Multiple Choice Quiz</u>	30%	No	20/03/22; 01/05/22; 29/05/22
<u>Problem Question</u>	20%	No	06/04/22
<u>Take Home Test</u>	40%	No	14/06/22
<u>Class Participation</u>	10%	No	Weeks 1-13

Multiple Choice Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 3 hours

Due: **20/03/22; 01/05/22; 29/05/22**

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 ¹: Quiz/Test

Indicative Time on Task ²: 5 hours

Due: **06/04/22**

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: **14/06/22**

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.

Class Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 13 hours

Due: **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.

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

Prescribed Texts

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

J Gooley, P Radan & 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, 2022

Week	Week Commencing	Lecture Topic	Tutorial Topic
1	21 Feb	Introduction to Contracts; Overview of Contract Remedies	Legal Problem-Solving Model
2	28 Feb	Agreement – Offer and Acceptance	Introduction to Contracts; Overview of Contract Remedies
3	7 Mar	Consideration; Equitable Estoppel; Intention	Agreement – Offer and Acceptance
4	14 Mar	Certainty and Completeness; Capacity; Requirement of Writing	Consideration; Equitable Estoppel; Intention
5	21 Mar	Express Terms	Certainty and Completeness; Capacity; Requirement of Writing
6	28 Mar	Implied Terms; Construction of Terms; Exclusion Clauses	Express Terms

7	4 Apr	Misrepresentation; Misleading or Deceptive Conduct; Mistake	Implied Terms; Construction of Terms; Exclusion Clauses
		MID-SESSION BREAK	
8	25 Apr	Duress; Undue Influence; Unconscionability	Misrepresentation; Misleading or Deceptive Conduct; Mistake
9	2 May	Discharge by Agreement; Discharge by Performance	Duress; Undue Influence; Unconscionability
10	9 May	Discharge by Breach; Discharge by Frustration	Discharge by Agreement; Discharge by Performance
11	16 May	Illegality	Discharge by Breach; Discharge by Frustration
12	23 May	Privity of Contract; Contracts in Context	Illegality
13	30 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](#)
- [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 or if you are a Global MBA student contact 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/.

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.

Changes since First Published

Date	Description
06/04/2022	The date for the final exam is changed to Tue 14 June 2022 because of public holiday on 13 June.