



LAWS8030

The Law of Obligations I - Contracts

Session 2, In person-scheduled-weekday, North Ryde 2023

Macquarie Law School

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General Information

Unit convenor and teaching staff

Unit Convenor, Lecturer, Tutor

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6 First Walk 624

TBA

Tutor

Lisa Spagnolo

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Credit points

10

Prerequisites

Admission to GradCertLaw or GradDipLaw or Admission to JD

Corequisites

LAWS600 or LAWS8001

Co-badged status

Unit description

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 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 (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

Fit to Sit Model

Macquarie University operates under a 'Fit to Sit' model. This means that in sitting an exam and/or in-class test or otherwise submitting an assessment (including an online quiz), a student declares themselves fit to do so. Therefore, if a student is feeling unfit to sit the exam or test, or otherwise submit the assessment (as the case may be), they should not do so.

If a student sits an exam or test, or otherwise submits an assessment, knowing that they are unfit to do so, they will not be granted Special Consideration. It is the responsibility of the student to determine whether they are fit to sit an examination or test or otherwise submit an assessment, or whether a Special Consideration application should be submitted.

A student's sitting an examination or test or otherwise submitting an assessment will not preclude the student from being granted Special Consideration if the student can demonstrate that:

- they were unfit to make reasonable judgement on their fitness to undertake the assessment,

due to mental illness or other exceptional circumstances;

- they were taken ill during the assessment (in the case of an examination or test); or
- other exceptional circumstances beyond their control vitiated the Fit to Sit declaration.

Assessment Tasks

Name	Weighting	Hurdle	Due
Problem Question	30%	No	8 Sep
Take Home Test	50%	No	16 Nov 1pm-4pm
Class participation	20%	No	Continuing

Problem Question

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 5 hours

Due: **8 Sep**

Weighting: **30%**

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: 25 hours

Due: **16 Nov 1pm-4pm**

Weighting: **50%**

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.

Class participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Continuing**

Weighting: **20%**

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.

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 2, 2023

Week	Week Commencing	Lecture Topic	Tutorial Topic
1	24 Jul	Introduction to Contracts; International Contract Law Aims, Applicability & Interpretation; Agreement - Offer Part 1	Introduction to Contract; International Contract Law Applicability; Offer Part 1
2	31 Jul	Agreement – Offer Part 2 and Acceptance; Consideration	Agreement – Offer Part 2 and Acceptance
3	7 Aug	Equitable Estoppel; Intention; Certainty & Completeness; Capacity	Consideration; Equitable Estoppel; Intention
4	14 Aug	Express Terms	Certainty and Completeness; Capacity; Capacity
5	21 Aug	Implied Terms; Construction of Terms	Express Terms
6	28 Aug	Discharge by Agreement; Discharge by Performance	Implied Terms (including ACL Consumer Guarantees); Construction of Terms; Exclusion clauses

7	4 Sep	Discharge by Termination for Breach Part 1	Discharge by Agreement; Discharge by Performance
		MID-SESSION BREAK	
8	25 Sep	Discharge by Termination for Breach Part 2; Discharge by Frustration	Discharge by Termination for Breach
9	2 Oct	Mistake; Misrepresentation; Misleading or Deceptive Conduct; Unfair Terms	Discharge by Termination for Breach; Discharge for Frustration
10	9 Oct	Duress; Undue Influence; Unconscionability	Misleading or Deceptive Conduct; Misrepresentation
11	16 Oct	Writing Requirements; Illegality	Duress; Undue Influence; Unconscionability; Unfair Terms
12	23 Oct	Privity	Writing Requirements; Illegality
13	30 Oct	Contract Theory & Context; Exam Preparation	Privity

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)

[du.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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

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.