



# LAWS1200

## Contracts

Session 2, In person-scheduled-weekday, North Ryde 2024

*Macquarie Law School*

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### **Disclaimer**

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## General Information

Unit convenor and teaching staff

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Convenor

Lisa Spagnolo

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see iLearn

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 role of contracts in an 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, including analysis under domestic contract law and international contract law.

**ULO5:** Demonstrate research, writing and referencing skills appropriate to students undertaking a 1000 level unit.

**ULO6:** Communicate, interact and collaborate professionally and effectively in verbal and non-verbal contexts across diverse settings.

**ULO7:** Work independently, meet deadlines and take initiative.

## General Assessment Information

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

### Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

### Special Consideration

Students should submit applications for Special Consideration electronically via [ask.mq.edu.au](https://ask.mq.edu.au),

along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Practice-Based Task</a>	40%	No	9 Sept 2024 11:55PM (Syd time)
<a href="#">Class Participation</a>	20%	No	Ongoing
<a href="#">Exam</a>	40%	No	University exam period

### Practice-Based Task

Assessment Type <sup>1</sup>: Practice-based task

Indicative Time on Task <sup>2</sup>: 5 hours

Due: **9 Sept 2024 11:55PM (Syd time)**

Weighting: **40%**

An assessment on professional skills and knowledge relevant to the unit. This could be a legal or policy brief, a report, an essay, a law reform proposal, legal pleadings or other related professional task. This assessment may require students to prepare a response through research and adhere to discipline-specific scholarly conventions.

On successful completion you will be able to:

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- Demonstrate research, writing and referencing skills appropriate to students undertaking a 1000 level unit.
- Communicate, interact and collaborate professionally and effectively in verbal and non-verbal contexts across diverse settings.
- Work independently, meet deadlines and take initiative.

### Class Participation

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

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **Ongoing**

Weighting: **20%**

An assessment of students' participation in tutorials which may include participation in tutorial discussions and debates, problem-solving, role plays, critical engagement with the unit materials, and other activities. This may require preparation before the tutorial including completing the required readings and considering or preparing responses to the tutorial materials.

On successful completion you will be able to:

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## Exam

Assessment Type <sup>1</sup>: Examination

Indicative Time on Task <sup>2</sup>: 25 hours

Due: **University exam period**

Weighting: **40%**

An invigilated exam held in the formal examination period. The exam may cover any or all topics and materials covered in the unit.

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- 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, including analysis under domestic contract law and international contract law.
- Demonstrate research, writing and referencing skills appropriate to students undertaking a 1000 level unit.
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verbal contexts across diverse settings.

- Work independently, meet deadlines and take initiative.

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<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

### Delivery

Lectures: These commence in Week 1. Lectures will total approximately two hours per week, and consist of: Pre-recorded Lectures uploaded each week; and Live lectures delivered face-to-face on campus and uploaded each week.

Tutorials: These also commence in Week 1. Tutorials run for one hour per week, face to face. From time to time, tutorials may need to be run by Zoom (you will be notified in advance). Note that Tutorial Participation is assessed.

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

### Resources

The required textbook/s are:

J Gooley, P Radan & I Vickovich, Principles of Australian Contract Law (6th edn, 2023 Lexis Nexis)

J Gooley, P Radan & I Vickovich, Principles of Australian Contract Law: Cases and Materials (6th edn, 2023 Lexis Nexis)

Additionally, Leganto (on iLearn) will link you to additional required reading, including extracts of K Yin et al (see below).

Students can purchase these textbooks online from online resellers such as [Booktopia](#), [Amazon](#) and [Zookal](#). Student discounts may be available (see Welcome letter, iLearn).

Additional readings will be accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

The following are recommended texts which you may find useful (no need to purchase):

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

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

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

## Unit Schedule

Week	Beginning	Lecture Topic	Tutorial Topic
1	22 July	Introduction to Contracts; International Contract Law Aims, Applicability & Interpretation; Agreement - Offer (Part 1)	TUTE 1: Introduction to Contract; International Contract Law Applicability; Offer (Part 1)
2	29 July	Agreement – Offer (Part 2); Acceptance	TUTE 2: Agreement – Offer (Part 2); Acceptance
3	5 August	Consideration; Equitable Estoppel; Intention	TUTE 3: Consideration
4	12 August	Certainty & Completeness; Capacity; Express Terms (Parts 1, 2 & 3)	TUTE 4: Equitable Estoppel; Intention; Certainty & Completeness; Capacity
5	19 August	Express Terms (Part 4 - Parol Evidence Rule); Implied Terms	TUTE 5. Express Terms (Parts 1, 2 & 3)
6	26 August	Construction of Terms; Discharge by Agreement	TUTE 6: Express Terms (Part 4 - Parol Evidence Rule); Implied Terms
7	2 Sept	Discharge by Performance; Discharge by Termination for Breach (Parts 1, 2 & 3 – Condition, Warranty)	TUTE 7: Construction of Terms; Discharge by Agreement
8	9 Sept	Discharge by Termination for Breach (Parts 4, 5 & 6 – Intermediate Terms, Repudiation, ICL)	TUTE 8: Discharge by Performance; Discharge by Termination for Breach (Parts 1, 2 & 3 – Condition, Warranty)
	16-27 Sept	<b>Mid-Session Break</b>	
9	30 Sept	Discharge by Frustration; Mistake; Misrepresentation; Misleading or Deceptive Conduct (Parts 1 & 2)	TUTE 9: Discharge by Termination for Breach (Parts 4, 5 & 6 – Intermediate Terms, Repudiation, ICL); Discharge by Frustration

10	7 October	Duress; Undue Influence; Unconscionability; Unfair terms; Unjust contracts	TUTE 10: Misleading or Deceptive Conduct; Misrepresentation
11	14 October	Writing Requirements; Illegality	TUTE 11: Duress; Undue Influence; Unconscionability; Unjust contracts
12	21 October	Privity	TUTE 12: Unfair Terms; Illegality
13	24 October	Contracts in the Digital Age; Exam Preparation	TUTE 13: Writing Requirements; 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) 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 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/](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 from Previous Offering

This unit now includes an invigilated exam that will be run centrally by the university and held in the University Exam Period.

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Unit information based on version 2024.05 of the [Handbook](#)