



LAWS803

The Law of Obligations I - Contracts

S2 Day 2019

Macquarie Law School

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General Information

Unit convenor and teaching staff

Convenor, Lecturer, Tutor

Ilija Vickovich

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6 First Walk 624

Thursday 12.30pm-1.30pm

Credit points

4

Prerequisites

((Admission after 2014 to GradCertLaw or GradDipLaw or JD) and corequisite LAWS600) or (admission to JD in 2014) or (admission to LLM)

Corequisites

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.

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:

Demonstrate a detailed and thorough knowledge of legal principles relating to contract law

Interpret and transmit knowledge, skills and concepts to specialist and non-specialist

audiences

Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems

Formulate, present and evaluate oral and written arguments on complex contract law problems and principles, drawing upon relevant legal authority and policy considerations.

Apply advanced research skills

Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

General Assessment Information

Detailed marking rubrics will be made available in iLearn.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Assignment No 1</u>	25%	No	27 Sep 2019
<u>Assignment No 2</u>	25%	No	25 Oct 2019
<u>Exam</u>	50%	No	Wed 20 Nov 2019

Assignment No 1

Due: **27 Sep 2019**

Weighting: **25%**

Assignment No 1 in this unit will require students to answer a hypothetical problem question or questions, and will be available on iLearn by the end of Week 2 of the semester. Assignment No 1 must be a properly referenced formal response with appropriate analysis and argument supported by relevant authoritative cases and commentary. It must be typed and must be kept to a maximum 2,500 words (excluding footnotes and the bibliography). In completing Assignment No 1, students must comply with the Australian Guide to Legal Citation 4th ed. The Guide will be available in iLearn. Assignment No 1 must be uploaded to Turnitin through the relevant iLearn link.

Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply: two (2) marks out of 100 will be deducted per day for assignments submitted after the due date, and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline without an approved special consideration application. No late submissions will be accepted for timed assessments, e.g. quizzes, online tests, without an approved special consideration application.

Students who have delayed the submission of their assignments will not be able to do so beyond

11 October at the latest, and will be allocated new assignments. This is because marked assignments have to be released to the cohort.

Turnitin will accept only ONE assignment, so it is imperative that the final iteration of the assignment is submitted. It is the student's responsibility to submit the correct assignment in ALL units. If a student submits the wrong assignment, they must advise the unit convenor. The late penalty described above will apply to any assignment lodged in these circumstances. It will not be possible to change the assignment after seven days, and a zero mark will be recorded.

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 to specialist and non-specialist audiences
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Assignment No 2

Due: **25 Oct 2019**

Weighting: **25%**

Assignment No 2 in this unit will require students to answer a research question, and will be available on iLearn by the end of Week 5 of the semester. Assignment No 2 must be a properly referenced formal response with appropriate analysis and argument supported by relevant authoritative cases and commentary. It must be typed and must be kept to a maximum 2,500 words (excluding footnotes and the bibliography). In completing Assignment No 2, students must comply with the Australian Guide to Legal Citation 4th ed. The Guide will be available in iLearn. Assignment No 2 must be uploaded to Turnitin through the relevant iLearn link.

Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply: two (2) marks out of 100 will be deducted per day for assignments submitted after the due date, and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline without an approved special consideration application. No late submissions will be accepted for timed assessments, e.g. quizzes, online tests, without an approved special consideration application.

Students who have delayed the submission of their assignments will not be able to do so beyond 8 Nov at the latest, and will be allocated new assignments. This is because marked assignments have to be released to the cohort.

Turnitin will accept only ONE assignment, so it is imperative that the final iteration of the

assignment is submitted. It is the student's responsibility to submit the correct assignment in ALL units. If a student submits the wrong assignment, they must advise the unit convenor. The late penalty described above will apply to any assignment lodged in these circumstances. It will not be possible to change the assignment after seven days, and a zero mark will be recorded.

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 to specialist and non-specialist audiences
- Formulate, present and evaluate oral and written arguments on complex contract law problems and principles, drawing upon relevant legal authority and policy considerations.
- Apply advanced research skills
- Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

Exam

Due: **Wed 20 Nov 2019**

Weighting: **50%**

The final examination in this unit will be a take home examination. The final examination will be based on material covered in the unit. Further details about the examinable topics will be provided in advance. The final examination will be in the form of a number of problem style questions. **Students will be able to access the final examination paper on iLearn from 1pm on Wed 20 Nov and must submit their answers to the final examination paper by 5pm on the same day.** Detailed information about the date, submission details and format of the exam will be provided to students well before the due date.

A student's answers to the final examination questions must not exceed a total of 3,000 words (exclusive of footnotes). This is an upper word limit and a student need not write 3,000 words if he or she can answer the questions adequately in fewer words. A bibliography is not required. If, for justifiable reasons, a student is unable to attempt the take home examination at the above time, the student should not make any attempt whatsoever. If the student submits a written response, he or she will be marked on that response. The student should instead submit nothing at the required time, but instead contact the unit convenor by email and also apply for special consideration in accordance with the University's Special Consideration Policy, which, if granted, will enable the student to complete an alternative comparable assessment at a time determined by the unit convenor.

On successful completion you will be able to:

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Delivery and Resources

This unit will use: iLearn webpage and Echo recorded lectures

Weekly Lectures (Internal and Distance Students): Weekly lectures in this unit will be pre-recorded and available to students on iLearn. Weekly lectures will commence in Week 1 and go through to Week 13.

Weekly Tutorials (Internal Students): For internal students, weekly one-hour tutorials will commence in Week 1 and go through to week 13. Tutorials will consist of questions for discussion. The questions to be discussed each week are available in the Unit Outline. Tutorials will take place on **Thursdays from 3pm to 4pm in 12 2nd Way 232.**

On Campus Sessions (Distance Students): For distance students, there are two consecutive days of on campus sessions. Distance students **must** attend the **on campus sessions (Thu-Fri 19-20 Sep)**. On campus sessions will run from 9-am to 12 noon and 1 pm to 4 pm on each of the three days. Further information about the on campus sessions will be made available in due course.

Prescribed Materials

1. P Radan, J Gooley, & I Vickovich, *Principles of Australian Contract Law*, 4th ed, LexisNexis, 2018
2. P Radan, J Gooley, & I Vickovich, *Principles of Australian Contract Law, Cases & Materials*, 4th ed, LexisNexis, 2018

Unit Schedule

LAWS 803 CONTRACTS

LECTURE SCHEDULE

Session 2, 2019

Week	Week Commencing	Lecture Topic	Tutorial Topic
1	29 Jul	Introduction to Contracts; Overview of Contract Remedies	Legal Problem Solving Model
2	5 Aug	Agreement – Offer and Acceptance	Introduction to Contracts; Overview of Contract Remedies
3	12 Aug	Consideration; Equitable Estoppel; Intention	Agreement – Offer and Acceptance
4	19 Aug	Certainty and Completeness; Capacity; Requirement of Writing	Consideration; Equitable Estoppel; Intention
5	26 Aug	Express Terms	Certainty and Completeness; Capacity; Requirement of Writing
6	2 Sep	Implied Terms; Construction of Terms; Exclusion Clauses	Express Terms
7	9 Sep	Misrepresentation; Misleading or Deceptive Conduct; Mistake	Implied Terms; Construction of Terms; Exclusion Clauses
		Mid-Semester Break [On Campus Session 20-21 Sep]	
8	30 Sep	Duress; Unconscionability; Undue Influence; Unjust Contracts	Misrepresentation; Misleading or Deceptive Conduct; Mistake
9	7 Oct	Discharge by Performance; Discharge by Agreement	Duress; Unconscionability; Undue Influence; Unjust Contracts
10	14 Oct	Discharge by Breach; Discharge by Frustration	Discharge by Performance; Discharge by Agreement

11	21 Oct	Illegality	Discharge by Breach; Discharge by Frustration
12	28 Oct	Privity; Contracts in Context	Illegality
13	4 Nov	Contract Theory; Exam Preparation	Privity

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/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

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

If you are a Global MBA student contact globalmba.support@mq.edu.au

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.

Graduate Capabilities

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems
- Apply advanced research skills
- Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

Assessment tasks

- Assignment No 1
- Exam

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a detailed and thorough knowledge of legal principles relating to contract law
- Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems
- Formulate, present and evaluate oral and written arguments on complex contract law problems and principles, drawing upon relevant legal authority and policy considerations.

Assessment tasks

- Assignment No 1
- Exam

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a detailed and thorough knowledge of legal principles relating to contract law
- Interpret and transmit knowledge, skills and concepts to specialist and non-specialist audiences
- Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems
- Formulate, present and evaluate oral and written arguments on complex contract law problems and principles, drawing upon relevant legal authority and policy considerations.
- Apply advanced research skills

Assessment tasks

- Assignment No 1
- Assignment No 2
- Exam

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Formulate, present and evaluate oral and written arguments on complex contract law problems and principles, drawing upon relevant legal authority and policy considerations.
- Apply advanced research skills

Assessment tasks

- Assignment No 1

- Assignment No 2
- Exam

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a detailed and thorough knowledge of legal principles relating to contract law
- Interpret and transmit knowledge, skills and concepts to specialist and non-specialist audiences
- Analyse complex factual situations involving contract law and apply relevant legal principles to solving legal problems
- Formulate, present and evaluate oral and written arguments on complex contract law problems and principles, drawing upon relevant legal authority and policy considerations.
- Apply advanced research skills
- Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

Assessment tasks

- Assignment No 1
- Assignment No 2

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcome

- Assume responsibility for one's own learning by managing one's time effectively so as to complete and submit assessment items on time.

Assessment task

- Assignment No 2