



# LAWS803

## The Law of Obligations I - Contracts

S1 Day 2019

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor

Frank Carrigan

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Contact via 9850-7072

6FW Room 516

Tuesday 3-4

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>Research Paper</u>	40%	No	11 pm, 3 April 2019
<u>Final Examination</u>	60%	No	Exam Period.

### Research Paper

Due: **11 pm, 3 April 2019**

Weighting: **40%**

#### Research Paper

The assignment must be a properly referenced formal response with appropriate analysis and argument. A bibliography is required. The assignment must be typed and must be kept to a maximum 3,000 words (including footnotes, but not the bibliography). The word limit will be strictly applied and work above the word limit will not be marked.

The assignment must be submitted electronically through Turnitin. Plagiarism software is used in this unit.

In completing the assignment students must comply with the *Australian Guide to Legal Citation*, compiled by the Melbourne University Law Review. The Guide is available for download free online.

Further instructions and information in relation to the assignment, including a rubric, will be made available on iLearn.

If, for justifiable reasons, a student is unable to submit the assignment on time, he or she may submit an application for special consideration in accordance with the University's Special Consideration Policy.

Applications for special consideration pursuant to the Special Consideration Policy are made

electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the Special Consideration Policy for complete details and a description of the supporting documentation required.

Any Assignment that is submitted after the due date and time without an approved special consideration application will attract a 2% per day penalty. Any Assignment that is submitted beyond 7 days of the due date and time will not be graded and will receive a zero mark.

On successful completion you will be able to:

- 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.

## Final Examination

Due: **Exam Period.**

Weighting: **60%**

### Final Examination

All students are required to attend a final examination. Further details of the exam will be made available on iLearn closer to the examination period.

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
- 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.

## **Delivery and Resources**

### **DELIVERY OF THE UNIT**

**To complete this unit student will need to use a computer and have access to the Internet.**

#### **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 12.

#### **Weekly Tutorials (Internal Students)**

For internal students, weekly tutorials will commence in Week 1 and go through to Week 12.

Tutorials will consist of questions for discussion. The questions to be discussed each week are available on iLearn.

For tutorial times and classrooms students should consult the MQ Timetable website.

#### **On Campus Sessions (Distance Students)**

For distance students, the sessions will be used to explore the tutorial questions.

The questions are available on iLearn.

For the dates and venues for the on campus sessions students should consult the MQ Timetable website.

### **RESOURCES**

#### **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 1, 2019**

Week	Week Commencing	Lecture Topic	Tutorial Topic
1	ONE	Introduction to Contracts; Overview of Contract Remedies	Legal Problem Solving Model
2	TWO	Agreement – Offer and Acceptance	Introduction to Contracts; Overview of Contract Remedies
3	THREE	Consideration; Equitable Estoppel; Intention	Agreement – Offer and Acceptance
4	FOUR	Certainty and Completeness; Capacity; Requirement of Writing	Consideration; Equitable Estoppel; Intention
5	FIVE	Express Terms	Certainty and Completeness; Capacity; Requirement of Writing
6	SIX	Implied Terms; Construction of Terms; Exclusion Clauses	Express Terms
7	SEVEN	Misrepresentation; Misleading or Deceptive Conduct; Mistake	Implied Terms; Construction of Terms; Exclusion Clauses
		<b>Mid-Semester Break</b>	
8	EIGHT	Duress; Unconscionability; Undue Influence; Unjust Contracts	Misrepresentation; Misleading or Deceptive Conduct; Mistake
9	NINE	Discharge by Performance; Discharge by Agreement	Duress; Unconscionability; Undue Influence; Unjust Contracts
10	TEN	Discharge by Breach; Discharge by Frustration	Discharge by Performance; Discharge by Agreement

11	ELEVEN	Illegality	Discharge by Breach; Discharge by Frustration
12	TWELVE	Privity; Contract Theory	Illegality
13	THIRTEEN	Contracts in Context;	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](mailto: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](http://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](mailto: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/](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

- 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

- Research Paper
- Final Examination

### 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

#### Assessment tasks

- Research Paper
- Final Examination

### 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**

- 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

## **Assessment task**

- Research Paper

## **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**

- 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.
- Apply advanced research skills

## **Assessment tasks**

- Research Paper
- Final Examination

## **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**

- 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

## **Assessment tasks**

- Research Paper
- Final Examination

## **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.