



# **LAWS11030 *Introductory and Contract Law***

## **Term 2 - 2017**

Profile information current as at 29/04/2024 05:47 am

All details in this unit profile for LAWS11030 have been officially approved by CQUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

## General Information

### Overview

This unit will introduce you to business law in Australia and the law of contract. Topics include the origins of the Australian legal system, the current legal environment of business and the law of contracts as it regulates business transactions. A particular study is made of the nature, terms, validity, operation and discharge of contracts. **STUDENTS WHO HAVE PREVIOUSLY COMPLETED LAWS11054 COMMERCIAL LAW CANNOT ENROL IN THIS UNIT.**

### Details

Career Level: *Undergraduate*

Unit Level: *Level 1*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

### Pre-requisites or Co-requisites

There are no requisites for this unit.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

### Offerings For Term 2 - 2017

- Brisbane
- Bundaberg
- Cairns
- Distance
- Gladstone
- Mackay
- Melbourne
- Perth
- Rockhampton
- Sydney
- Townsville

### Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Written Assessment**

Weighting: 40%

#### 2. **Examination**

Weighting: 60%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Student evaluations.

**Feedback**

Improve audio quality in recorded material.

**Recommendation**

Recorded material being refreshed with improved audio.

#### Feedback from Student evaluations.

**Feedback**

Match recordings with the PowerPoint presentations.

**Recommendation**

Recorded material being refreshed so that it aligns with PowerPoint presentations.

#### Feedback from Student evaluations.

**Feedback**

Legal terms difficult to understand.

**Recommendation**

Students to be referred to the legal glossary of terms. Teaching staff encouraged to quiz students on basic legal terminology for non-law students. Legal terminology to form part of Moodle discussions which should increase early course engagement.

## Unit Learning Outcomes

**On successful completion of this unit, you will be able to:**

1. Describe the Australian legal system including the formal structures, its historical evolution and the role of the doctrine of precedent and statutory interpretation
2. Describe and discuss certain basic contract and tort legal concepts, referring to relevant sources of legal authority
3. Identify correctly legal problems and issues arising out of commonly encountered fact situations, and make informed decisions by applying the relevant law
4. Communicate effectively in this discipline using appropriate style and terminology.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes

 N/A Level	 Introductory Level	 Intermediate Level	 Graduate Level	 Professional Level	 Advanced Level
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### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Written Assessment - 40%	•	•	•	•
2 - Examination - 60%	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•	•		•
2 - Problem Solving			•	
3 - Critical Thinking		•	•	
4 - Information Literacy	•	•		•
5 - Team Work				
6 - Information Technology Competence				
7 - Cross Cultural Competence				
8 - Ethical practice				
9 - Social Innovation				
10 - Aboriginal and Torres Strait Islander Cultures				

### Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 40%	•	•	•	•						
2 - Examination - 60%	•	•	•	•						

## Textbooks and Resources

### Textbooks

LAWS11030

#### Prescribed

##### **Concise Australian Commercial Law**

Edition: 3rd (2015)

Authors: Clive Turner, John Trone & Roger Gamble

Thomson Reuters

Sydney , NSW , Australia

ISBN: 9780455234847

Binding: Paperback

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

**You will need access to the following IT resources:**

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

## Referencing Style

**All submissions for this unit must use the referencing styles below:**

- [Australian Guide to Legal Citation, 3rd ed](#)
- [American Psychological Association 6th Edition \(APA 6th edition\)](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**David Beddoe** Unit Coordinator

[d.beddoe@cqu.edu.au](mailto:d.beddoe@cqu.edu.au)

## Schedule

### Week 1 - 10 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Law and the Legal Process	Chapter 1	

### Week 2 - 17 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Development of the Australian Legal System	Chapter 1	

### Week 3 - 24 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
The Common Law & the Doctrine and Practice of Precedent	Chapter 1	

### Week 4 - 31 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Legislation and Statutory Interpretation	Chapter 1	
<b>Week 5 - 07 Aug 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
The Nature of a Contract: Offer and Acceptance	Chapters 2 & 3	
<b>Vacation Week - 14 Aug 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
<b>Week 6 - 21 Aug 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Intention, Consideration and Capacity	Chapters 4, 5, 6	
<b>Week 7 - 28 Aug 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Operation and Contents of Contracts	Chapters 9, 10	<b>Written Assessment</b> Due: Week 7 Thursday (31 Aug 2017) 11:45 pm AEST
<b>Week 8 - 04 Sep 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Genuine Agreement	Chapter 7	
<b>Week 9 - 11 Sep 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Illegal and Void Contracts.	Chapters 8, 11	
<b>Week 10 - 18 Sep 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Discharge of a contract. Remedies for Breach of Contract	Chapter 12	
<b>Week 11 - 25 Sep 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Aspects of the Law of Tort	Chapter 14	
<b>Week 12 - 02 Oct 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Unit Review		
<b>Review/Exam Week - 09 Oct 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
<b>Exam Week - 16 Oct 2017</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>

## Assessment Tasks

### 1 Written Assessment

#### Assessment Type

Written Assessment

#### Task Description

##### Part A: Case analysis

You will be required to read and answer a series of questions from a case. Most of the answers can be

taken directly from the case but some questions might require you to conduct some legal research. Part A of the Written Assessment aligns with learning outcomes 2, 3 & 4.

### **Part B: An essay and/or a legal problem question(s)**

- Essay - it is a short essay based on the material covered in the first four introductory modules. An essay would align with learning outcomes 1 and 4.
- Legal problem question - you will be required to: identify legal issue(s), demonstrate your understanding of basic contract law concepts, cite the law to support your argument and make an informed decision applying the relevant law. A legal problem question aligns with learning outcomes 2, 3 and 4.

You are required to submit one WORD document (not PDF) containing all parts of your Written Assessment with the document name as your student name with student number ( e.g. Peter Smith S0123456.doc). The questions you will be required to answer for this written assessment are found in Moodle under the Assessment block.

### **Assessment Due Date**

Week 7 Thursday (31 Aug 2017) 11:45 pm AEST

Assignments that are not submitted on time will attract a late penalty of 2 marks per day late, unless an extension has been granted. All applications of extension should be applied online via Moodle. Please provide document to support your application.

### **Return Date to Students**

Week 9 Friday (15 Sept 2017)

Students who submitted their written assessment on time will have their assessments returned on Friday of Week 9 before 11:45pm.

### **Weighting**

40%

### **Assessment Criteria**

#### **High distinction standard**

- \* the answer is very well written and clearly expressed
- \* there is a demonstrated appreciation and understanding of the issues involved
- \* the answer is well structured and logically organised
- \* demonstrated mastery of referencing system
- \* there is evidence of a comprehensive analysis of the issues
- \* conclusions are backed by well-reasoned arguments demonstrating a detailed insight and analysis of issues
- \* comprehensive coverage of all relevant issues
- \* references are made to the appropriate legislation for particular issues
- \* statutory provisions are analysed and interpreted correctly
- \* the legislation is applied to the particular fact situation in a competent manner
- \* consideration is given to the operation of the common law

#### **Distinction standard**

- \* the answer is well written and expressed
- \* the answer is structured and logical
- \* the issues have been reasonably well identified and appreciated
- \* there is correct use of referencing
- \* issues have been analysed
- \* reference is made to all appropriate legislation, although the analysis and interpretation is not as detailed and reasoned as for the high distinction standard
- \* the effect of the common law is considered
- \* there is a comprehensive coverage of the issues
- \* occasional errors of law and legal reasoning may still be present.

#### **Credit standard**

- \* the answer is generally well written and expressed
- \* the answer is structured and sequential
- \* referencing is satisfactory
- \* issues are identified and addressed
- \* there has been an attempt to analyse some of the issues
- \* the coverage of issues is reasonably comprehensive often with a good treatment and analysis of particular points
- \* errors of law and incorrect reasoning may sometimes be present
- \* statutory interpretation may require improvement

\* depth of treatment is often lacking in some of the issues.

#### **Pass standard**

- \* the answer is able to be followed and understood
- \* the answer could perhaps be better organised and structured
- \* the referencing may need improvement
- \* issues may need to be identified and addressed in more depth
- \* analysis when present may be incorrect
- \* some familiarity with the legislation and its application is demonstrated
- \* sometimes the conclusions reached are simple
- \* there may be several errors of law
- \* there may be quantities of material of marginal relevance included in the answer.

#### **Fail standard**

- \* the answer may be significantly short of the required length
- \* the written expression is poor and difficult to understand
- \* the answer is poorly organised
- \* there has been a failure to identify and address the issues in the question
- \* referencing is generally inadequate
- \* there is a lack of familiarity with the legislation and its appropriate application
- \* the reasoning and application demonstrated is poor
- \* frequently there is much irrelevant material.

#### **Referencing Style**

- [Australian Guide to Legal Citation, 3rd ed](#)
- [American Psychological Association 6th Edition \(APA 6th edition\)](#)

#### **Submission**

Online

#### **Learning Outcomes Assessed**

- Describe the Australian legal system including the formal structures, its historical evolution and the role of the doctrine of precedent and statutory interpretation
- Describe and discuss certain basic contract and tort legal concepts, referring to relevant sources of legal authority
- Identify correctly legal problems and issues arising out of commonly encountered fact situations, and make informed decisions by applying the relevant law
- Communicate effectively in this discipline using appropriate style and terminology.

#### **Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

## **Examination**

#### **Outline**

Complete an invigilated examination.

#### **Date**

During the examination period at a CQUniversity examination centre.

#### **Weighting**

60%

#### **Length**

180 minutes

#### **Exam Conditions**

Open Book.

#### **Materials**

No calculators permitted

Law dictionaries, Business and Law dictionaries (discipline specific dictionaries) are authorised.



## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

### What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

### Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

### Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

### What can you do to act with integrity?



#### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



#### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



#### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem