



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

## **Term 3 - 2017**

Profile information current as at 04/05/2024 03:30 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 3 - 2017

- Brisbane
- Distance
- Melbourne
- Sydney

### 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 evaluation

**Feedback**

Online lecturers were sometimes hard to hear.

**Recommendation**

Online lectures to be updated so they are more easy to hear.

#### Feedback from Student evaluation

**Feedback**

Some weeks required lots of reading while earlier weeks required little.

**Recommendation**

The beginning weeks of the unit are designed to give an introduction to law for business and other non-law students. More focus in earlier weeks on understanding and applying basic legal terminology.

#### Feedback from Student Evaluation

**Feedback**

Difficulty in understanding the IRAC method in the final exam.

**Recommendation**

Further information to be provided on IRAC method for business and other non-law students. On-campus and Distance students should be encouraged to address problem based questions using this format. The exam advice should include information on the application of this method.

## 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



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
<b>1 - Written Assessment - 40%</b>	•	•	•	•
<b>2 - Examination - 60%</b>	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

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

### Alignment of Assessment Tasks to Graduate Attributes

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

## Textbooks and Resources

### Textbooks

LAWS11030

#### Prescribed

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

Edition: 4th (2016)

Authors: Clive Turner, John Trone & Roger Gamble

Thomson Reuters

Sydney , NSW , Australia

ISBN: 9780455238104

Binding: Paperback

#### **Additional Textbook Information**

The prescribed textbook (*Concise Australian Commercial Law* 4th edition) has commentaries, cases and tutorial questions that are used in this unit throughout the term. It is available for students to purchase in paperback, paperback plus eBook or eBook versions. If you wish to subscribe to the eBook version, please visit the Moodle website for discount (promo code) offered by the publisher.

**NOTE:** When considering the option of paperback or eBook, you need to be aware that LAWS 11030 adopts an open book examination format. Essentially, an open book examination allows you to bring in notes, printed materials and textbooks into the examination. That means you can bring the paperback version of the prescribed textbook into the examination centre. However, no electronic device is allowed in the examination centre so access to the eBook is not possible.

[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

**Judy Hui** Unit Coordinator

[j.hui@cqu.edu.au](mailto:j.hui@cqu.edu.au)

## Schedule

### **Week 1 - 06 Nov 2017**

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

### **Week 2 - 13 Nov 2017**

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

### Week 3 - 20 Nov 2017

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

### Week 4 - 27 Nov 2017

Module/Topic	Chapter	Events and Submissions/Topic
Legislation and Statutory Interpretation	Chapter 1	

### Vacation Week - 04 Dec 2017

Module/Topic	Chapter	Events and Submissions/Topic

### Week 5 - 11 Dec 2017

Module/Topic	Chapter	Events and Submissions/Topic
The Nature of a Contract: Offer and Acceptance	Chapters 2 & 3	Zoom session (date and time to be announced on Moodle)

### Week 6 - 18 Dec 2017

Module/Topic	Chapter	Events and Submissions/Topic
Intention, Consideration and Capacity	Chapters 4,5 and 6	

### Week 7 - 01 Jan 2018

Module/Topic	Chapter	Events and Submissions/Topic
Operation and Contents of Contracts	Chapters 9 & 10	Written Assessment Due Friday ( 5 January 2018) 11:45 pm AEST <b>Written Assessment 40%</b> Due: Week 7 Friday (5 Jan 2018) 11:45 pm AEST

### Week 8 - 08 Jan 2018

Module/Topic	Chapter	Events and Submissions/Topic
Genuine Agreement	Chapter 7	

### Week 9 - 15 Jan 2018

Module/Topic	Chapter	Events and Submissions/Topic
Illegal and Void Contracts.	Chapters 8 & 11	Zoom session (date and time to be announced on Moodle)

### Week 10 - 22 Jan 2018

Module/Topic	Chapter	Events and Submissions/Topic
Discharge of a Contract. Remedies for Breach of Contract.	Chapter 12	

### Week 11 - 29 Jan 2018

Module/Topic	Chapter	Events and Submissions/Topic
Aspects of the Law of Torts	Chapter 14	

### Week 12 - 05 Feb 2018

Module/Topic	Chapter	Events and Submissions/Topic
Unit Review	See examination advice	Zoom session ( date and time to be announced on Moodle)

### Exam Week - 12 Feb 2018

Module/Topic	Chapter	Events and Submissions/Topic

## Assessment Tasks

### 1 Written Assessment 40%

#### Assessment Type

Written Assessment

#### Task Description

Part A: Case Analysis

You will be required to read a case and answer a number of questions relating to the case. The case will be given via a link from the Australasian Legal Information Institute. Most of the answers can be taken from the case but some questions may require you to do further research or refer to lecture materials indicated in your assessment. Some of the questions will require you to apply the knowledge gained from the given case to other hypothetical situations.

Part B : Legal problem question and essay

Legal problem question - you will be required to identify legal issue(s), demonstrate your understanding of basic contract law concepts, support your arguments with legal principles and cases.

Essay - a short essay on materials covered in the first four weeks of this unit.

#### Assessment Due Date

Week 7 Friday (5 Jan 2018) 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. You are to provide documents to support your application.

#### Return Date to Students

Week 10 Monday (22 Jan 2018)

Students who submitted their written assessments on time will have their assessments returned on Monday Week 10 before 11:45pm AEST.

#### Weighting

40%

#### Assessment Criteria

The objective of Part A Case Analysis is to present an authentic case for you to analyze, understand the legal issues and arguments from both parties and using the legal knowledge gained to apply to other different case scenarios and to formulate risk mitigation strategies.

You will be assessed against the following criteria for Part A:

- Accuracy of understanding of facts
- Relevance of responses to questions asked
- Application of legal knowledge gained from case to different scenarios
- Critical thinking applied to arrive at risk mitigation strategies in contractual situations

The objective of Part B Legal Problem Question is to develop your ability to apply contractual principles to hypothetical situations to make an informed analysis and to resolve legal issues with the support from cases.

You will be assessed against the following criteria for Part B Legal Problem Question:

- Identification of legal issues
- Identification of legal rules with support from cases
- Identification of material relevant facts
- Cogency of arguments from both parties
- Demonstration of a reasoned conclusion
- Citing of cases and word limit

The objective of an essay is for you to demonstrate your ideas and arguments on a particular topic supported by evidence from reading and/or research.

You will be assessed against the following criteria for Part B Essay:

- Presentation of an essay structure
- Contents and flow of arguments that address all aspects of the topic
- Referencing, citation and word limit

### Referencing Style

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

### Submission

Online

### Submission Instructions

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 S012345.doc)

### 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

Dictionary - non-electronic, concise, direct translation only (dictionary must not contain any notes or comments).

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

No calculators permitted



## 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