



# LAWS11061 Contract A

## Term 2 - 2017

Profile information current as at 20/04/2024 01:17 pm

All details in this unit profile for LAWS11061 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 provides you with an introduction to the law of contract in Australia and will focus on the fundamental principles of a valid and enforceable contract. The unit will examine the theoretical analysis of contract law; the formation of a contract including contractual agreement; intention to create legal relations; contractual consideration; promissory estoppel; and contractual capacity. Consideration will also be given to the contents and interpretation of a contract and the doctrine of privity of contract.

### 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

Prerequisite or corequisite:- LAWS11057

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

- Distance

### 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. **Online Quiz(zes)**

Weighting: 5%

2. **Written Assessment**

Weighting: 40%

3. **Online Quiz(zes)**

Weighting: 10%

4. **Written Assessment**

Weighting: 5%

5. **Written Assessment**

Weighting: 40%

### 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

Incorporate a discussion of writing styles into the course

##### Recommendation

That a discussion of different approaches to writing in law be included in 'Skills Week'.

## Unit Learning Outcomes

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

1. Evaluate a contract to determine whether the elements of contract formation are properly present
2. Analyse and interpret the express and implied provisions of a contract to determine its objective meaning
3. Apply general theories of contract law to guide the analysis of contractual disputes
4. Compare the operation of Australian contract law with overseas contract law, particularly in relation to online commerce
5. Research legal principles from statute and case law, and apply those principles to the analysis of contractual disputes
6. Manage the student's study workload to ensure the timely delivery of high quality analysis

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes					
	1	2	3	4	5	6
1 - Online Quiz(zes) - 5%	•	•	•	•	•	•
2 - Written Assessment - 40%		•	•			
3 - Online Quiz(zes) - 10%		•	•			
4 - Written Assessment - 5%	•		•	•	•	•
5 - Written Assessment - 40%	•					•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes					
	1	2	3	4	5	6

Graduate Attributes	Learning Outcomes					
	1	2	3	4	5	6
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 - Online Quiz(zes) - 5%	•	•	•	•	•	•	•	•		
2 - Written Assessment - 40%			•	•		•		•		
3 - Online Quiz(zes) - 10%			•	•		•		•		
4 - Written Assessment - 5%	•	•	•	•		•	•	•		
5 - Written Assessment - 40%	•	•		•	•	•		•		

## Textbooks and Resources

### Textbooks

LAWS11061

#### Prescribed

##### Contract Law

4th edition (2014)

Authors: Lindy Willmott, Sharon Christensen, Des Butler and Bill Dixon

Oxford University Press

South Melbourne , Victoria , Australia

ISBN: 9780195578461

Binding: Hardcover

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#### Supplementary

##### Contract Law Casebook

Edition: 2nd edn (2013)

Authors: Butler, D, Christensen, D, Dixon, B & Willmott, L

Oxford University Press

South Melbourne , Vic , Australia

ISBN: 9780195578478

Binding: Paperback

#### Additional Textbook Information

The CONTRACT LAW CASE BOOK (2nd edition) by the same authors is a companion textbook. These books are sold packaged together at a reduced cost to students. This book is recommended, but not prescribed. These books are used in Contract B as well.

Books can be purchased either individually or in a value pack at the CQUni Bookshop here: <http://bookshop.cqu.edu.au>

[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 style: [Australian Guide to Legal Citation, 3rd ed](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Susan Bird** Unit Coordinator

[s.p.bird@cqu.edu.au](mailto:s.p.bird@cqu.edu.au)

## Schedule

### Week 1 - 10 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Introduction/Theories of Contract Law	Willmott et al Ch. 1	Tutorial 1

### Week 2 - 17 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Capacity to Contract	Willmott et al Ch. 10	Tutorial 2
<b>Week 3 - 24 Jul 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
Intention to Create Legal Relations	Willmott et al, Ch. 5	Tutorial 3
<b>Week 4 - 31 Jul 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
Offer and Acceptance	Willmott et al Ch. 3	Tutorial 4 <b>Online Quiz</b> Due: Week 4 Friday (4 Aug 2017) 11:45 pm AEST
<b>Week 5 - 07 Aug 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
Consideration	Willmott et al Ch. 6	Tutorial 5
<b>Vacation Week - 14 Aug 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
<b>Week 6 - 21 Aug 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
Certainty and Completeness	Willmott et al Ch. 4	Tutorial 6
<b>Week 7 - 28 Aug 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
Skills Week	Study Guide Week 7	Tutorial 7 <b>Written Assessment</b> Due: Week 7 Friday (1 Sept 2017) 11:45 pm AEST
<b>Week 8 - 04 Sep 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
Express Terms	Willmott et al Ch. 8.2-8.3 (pp. 212 - 239) Ch. 9.3 (pp. 313-321)	Tutorial 8
<b>Week 9 - 11 Sep 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
Construction of a Contract	Willmott et al, Ch. 9	Tutorial 9
<b>Week 10 - 18 Sep 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
Construction of a Contract: Implied Terms	Willmott et al, Ch 8.5, pp. 245-291	Tutorial 10 <b>Online Quiz</b> Due: Week 10 Friday (22 Sept 2017) 11:45 pm AEST
<b>Week 11 - 25 Sep 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
The Australian Consumer Law: Unfair Terms and Consumer Guarantees	Willmott et al Chs. 26-27	Tutorial 11
<b>Week 12 - 02 Oct 2017</b>		
Module/Topic	Chapter	Events and Submissions/Topic
Privity of Contract	Willmott et al, Ch. 12	Tutorial 12 <b>Tutorial Participation</b> Due: Week 12 Thursday (5 Oct 2017) 11:45 pm AEST

**Review/Exam Week - 09 Oct 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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**Exam Week - 16 Oct 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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## Assessment Tasks

### 1 Online Quiz

**Assessment Type**

Online Quiz(zes)

**Task Description**

This assessment is designed to give students an early opportunity to assess their progress in this subject. The quiz will consist of ten questions worth half a mark each.

**Number of Quizzes**

1

**Frequency of Quizzes**

Other

**Assessment Due Date**

Week 4 Friday (4 Aug 2017) 11:45 pm AEST

**Return Date to Students**

Week 5 Friday (11 Aug 2017)

**Weighting**

5%

**Assessment Criteria**

The assessment criteria for this assignment is primarily factual, emphasising the student's ability to understand key concepts and identify the appropriate information to answer key questions.

**Referencing Style**

- [Australian Guide to Legal Citation, 3rd ed](#)

**Submission**

Online

**Learning Outcomes Assessed**

- Evaluate a contract to determine whether the elements of contract formation are properly present
- Analyse and interpret the express and implied provisions of a contract to determine its objective meaning
- Apply general theories of contract law to guide the analysis of contractual disputes
- Compare the operation of Australian contract law with overseas contract law, particularly in relation to online commerce
- Research legal principles from statute and case law, and apply those principles to the analysis of contractual disputes
- Manage the student's study workload to ensure the timely delivery of high quality analysis

**Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Team Work
- Information Technology Competence
- Cross Cultural Competence
- Ethical practice

## 2 Written Assessment

### Assessment Type

Written Assessment

### Task Description

This assessment involves answering a problem-based question and/or theory-based question. The answer(s), which must cite appropriate legal principles and case law, consists of 1,500 - 1,750 words (including footnotes). A Bibliography, which is not counted in the word count limit, must be included.

The answer(s) must be submitted in Moodle in a Word file. The file must be saved and submitted in the following format: [Last Name]\_[First Name]\_[Student No.].doc. An example would be: Smyth\_Kathryine\_S99999.doc. The submission of a PDF is not permitted.

### Assessment Due Date

Week 7 Friday (1 Sept 2017) 11:45 pm AEST

### Return Date to Students

Week 10 Friday (22 Sept 2017)

### Weighting

40%

### Assessment Criteria

This assessment will be graded according to the following marking criteria: correct and thorough identification of the issues and rules/legal principles using appropriate legal authority and citations, correct and thorough analysis of the issues and application of the rules/legal principles to the problem with strong critical insight, well thought-out conclusion, and observance of the proper structure, format and instructions. A detailed marking rubric is available in Moodle in the 'Assessment Information' block.

### Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

### Submission

Online

### Learning Outcomes Assessed

- Analyse and interpret the express and implied provisions of a contract to determine its objective meaning
- Apply general theories of contract law to guide the analysis of contractual disputes

### Graduate Attributes

- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

## 3 Online Quiz

### Assessment Type

Online Quiz(zes)

### Task Description

This quiz will consist of 10 questions worth 1 mark each. The questions are designed to test student understanding of the materials presented in the unit.

### Number of Quizzes

1

### Frequency of Quizzes

### Assessment Due Date

Week 10 Friday (22 Sept 2017) 11:45 pm AEST

### Return Date to Students

Week 12 Friday (6 Oct 2017)

### Weighting

10%

### Assessment Criteria

Marks for this assessment will primarily be given based on the correct identification of the answer to each question.

## Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

## Submission

Online

## Learning Outcomes Assessed

- Analyse and interpret the express and implied provisions of a contract to determine its objective meaning
- Apply general theories of contract law to guide the analysis of contractual disputes

## Graduate Attributes

- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

# 4 Tutorial Participation

## Assessment Type

Written Assessment

## Task Description

Students are to reflect on a contribution to the Moodle discussion board, or Zoom tutorial/s. These are short pieces which are evidence of the graduate learning outcomes of Communications Skills and Team Work. Total word count is 150-300 words.

The tutorial participation should refer to a post/posts on the Moodle discussion board or issues raised in the tutorial by the student. A reflection on the contribution is to be submitted to Moodle in a Word file. The file must be saved and submitted in the following format: [Last Name]\_[First Name]\_[Student No.].doc. An example would be: Smyth\_Kathryne\_S99999.doc. The submission of a PDF is not permitted.

## Assessment Due Date

Week 12 Thursday (5 Oct 2017) 11:45 pm AEST

## Return Date to Students

Exam Week Thursday (19 Oct 2017)

## Weighting

5%

## Assessment Criteria

Through this assessment you are able to showcase your contributions to either the Zoom tutorials, or the Moodle discussion board. It will be assessed on your writing skills, your interaction/communication with others (if any), and how successfully you reflect on your own learning in the subject.

You will not be marked on whether your responses to the tutorial problems were right or wrong. It is more important here to show that you are willing to contribute, and assist others.

## Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

## Submission

Online

## Learning Outcomes Assessed

- Evaluate a contract to determine whether the elements of contract formation are properly present
- Apply general theories of contract law to guide the analysis of contractual disputes
- Compare the operation of Australian contract law with overseas contract law, particularly in relation to online commerce
- Research legal principles from statute and case law, and apply those principles to the analysis of contractual disputes
- Manage the student's study workload to ensure the timely delivery of high quality analysis

## Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

- Information Technology Competence
- Cross Cultural Competence
- Ethical practice

## 5 Final (Online Take-Home) Written Assessment

### Assessment Type

Written Assessment

### Task Description

This final written assessment involves the online submission of answers to problem-based and/or theoretical questions. The answer(s), which must cite appropriate legal principles and case law, should be in the vicinity of 1,500-2,000 in total.

The answer(s) must be submitted in Moodle in a Word file. The file must be saved and submitted in the following format: [Last Name]\_[First Name]\_[Student No.].doc. An example would be: Smyth\_Kathryne\_S99999.doc. The submission of a PDF is not permitted.

Students are given a non-extendible period of 36 hours within which to submit their answers to the questions, which will be made available 36 hours prior to the due date. The final paper date will be in the revision or exam week pending timetabling approval.

This assessment task must be completed within the set 36 hour time frame; exact date to be announced. In the absence of an approved extension, there will be no opportunity to complete the task after this date.

### Assessment Due Date

The due date for the final take-home paper will be announced once the exam timetable is finalised.

### Return Date to Students

The marks for this assessment will be available three weeks following submission.

### Weighting

40%

### Assessment Criteria

This assessment will be graded according to the following marking criteria: correct and thorough identification of the issues, rules/legal principles using appropriate legal authority and citations; correct and thorough analysis of the issues and application of the rules/legal principles to the problem and facts with strong critical insight; well thought-out conclusion; observance of the proper structure, format and instructions.

A detailed marking rubric is available in Moodle.

### Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

### Submission

Online

### Submission Instructions

E-submission via Moodle of a Word file. Submission of PDFs is not permitted.

### Learning Outcomes Assessed

- Evaluate a contract to determine whether the elements of contract formation are properly present
- Manage the student's study workload to ensure the timely delivery of high quality analysis

### Graduate Attributes

- Communication
- Problem Solving
- Information Literacy
- Team Work
- Information Technology Competence
- Ethical practice

## 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