



LAWS11061 *Contract A*

Term 1 - 2019

Profile information current as at 19/08/2022 06:57 pm

All details in this unit profile for LAWS11061 have been officially approved by CQU University 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.

Corrections

Unit Profile Correction added on 27-02-19

Some of the Assessment due dates are not appearing on the unit profile

Quiz one is due in Week 4 on the 7th of April, 11.55pm

The First Written Assessment is due in Week 7 on the 5th of May, 11.45pm

The Tutorial participation is due in Week 12 on 9th of June, 11.45pm

The Second quiz is due in week 12 on the 9th of June, 11.45pm

General Information

Overview

LAWS11061 Contract A 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. In this unit you will examine the theoretical analysis of contract law; the formation of a contract including contractual agreement; intention to create legal relations; contractual consideration; and contractual capacity. Consideration will also be given to the contents, construction and interpretation of a contract and the doctrine of privity of contract. This unit together with LAWS11062 Contract B meets the LPAB requirements for contracts.

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 Students must be enrolled in CG98 Bachelor of Laws, CB68 Bachelor of Laws and Bachelor of Accounting or CB94 Bachelor of Laws and Bachelor of Arts

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 1 - 2019

- Online

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. **Examination**

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](#).

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 present
2. Analyse and interpret the express and implied provisions of a contract to determine its objective meaning
3. Explore general theories of contract law to guide the analysis of contractual disputes, and understand their operation in context
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.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

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

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
1 - Communication	•		•	•	•
2 - Problem Solving	•	•	•	•	•
3 - Critical Thinking	•	•	•	•	•
4 - Information Literacy	•	•	•	•	•
5 - Team Work					
6 - Information Technology Competence		•			

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
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 - Examination - 40%	•	•	•	•		•		•		

Textbooks and Resources

Textbooks

LAWS11061

Prescribed

Contract Law

Edition: Fifth (2018)

Authors: Willmott, Christensen, Butler, Dixon

Oxford

South Melbourne , Victoria , Australia

ISBN: 9780190304751

Binding: Paperback

LAWS11061

Supplementary

Contract Law Casebook

Edition: 3rd edn (2018)

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

Oxford University Press

South Melbourne , Vic , Australia

ISBN: 9780190304768

Binding: Paperback

Additional Textbook Information

Both of these books are packaged together at a reduced cost to students.

The packs and the individual books are available at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code).

[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, 4th ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

Susan Bird Unit Coordinator

s.p.bird@cqu.edu.au

Schedule

Week 1 - 11 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
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Introduction: Theories of Contract Law	Text chapters 1 and 2, resources on Moodle Recommended: case book, chapters 1 and 2 (All references to 'text' in this Unit Profile refer to the prescribed textbook: Willmott et al, <i>Contract Law</i> (OUP, 5th edition, 2018)). (All references to 'case book' in this Unit Profile refer to the companion case book: Butler, Christensen, Dixon and Willmott, <i>Contract Law Case Book</i> (OUP, 3rd edition, 2018)).	Tutorial 1
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Week 2 - 18 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
Intention to Create Legal Relations	Text chapter 5, resources on Moodle Recommended: case book chapter 5	Tutorial 2

Week 3 - 25 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
Capacity to Contract	Text chapter 10, resources on Moodle Recommended: case book chapter 10	Tutorial 3

Week 4 - 01 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Offer and Acceptance	Text chapter 3, resources on Moodle Recommended: case book chapter 3	Tutorial 4, first Quiz due. Start research for written assessment.

Week 5 - 08 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Consideration	Text chapter 6, resources on Moodle Recommended: case book chapter 6	Tutorial 5

Vacation Week - 15 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Study break	n/a	No tutorial. Continue research, analysis for written assessment.

Week 6 - 22 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Certainty and Completeness	Text chapter 4, resources on Moodle Recommended: case book chapter 4	Tutorial 6

Week 7 - 29 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Skills Week		Tutorial 7 Written assessment due

Week 8 - 06 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
Express Terms	Text chapter 8 selected paragraphs (8.1-8.4), chapter 9 selected paragraph (9.3), resources on Moodle Recommended: case book chapter 8 selected paragraphs (8.01-8.13)	Tutorial 8

Week 9 - 13 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
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Construction of a Contract	Text chapter 9 (excluding paragraph 9.3), resources on Moodle Recommended: case book chapter 9	Tutorial 9
Week 10 - 20 May 2019		
Module/Topic	Chapter	Events and Submissions/Topic
Implied Terms	Text chapter 8 selected paragraph (8.5), resources on Moodle Recommended: case book chapter 8 selected paragraphs (8.14-8.28)	Tutorial 10
Week 11 - 27 May 2019		
Module/Topic	Chapter	Events and Submissions/Topic
Australian Consumer Law: Unfair Terms and Consumer Guarantees	Text chapters 26 & 27, resources on Moodle No recommended readings from case book	Tutorial 11
Week 12 - 03 Jun 2019		
Module/Topic	Chapter	Events and Submissions/Topic
Privity of Contract, exam preparation	Text chapter 12, resources on Moodle Recommended: case book chapter 12	Tutorial 12
Review/Exam Week - 10 Jun 2019		
Module/Topic	Chapter	Events and Submissions/Topic
Exam Week - 17 Jun 2019		
Module/Topic	Chapter	Events and Submissions/Topic
		Exam, date TBA

Assessment Tasks

1 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

Frequency of Quizzes

Other

Assessment Due Date

Return Date to Students

Results released once the Quiz closes

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, 4th ed](#)

Submission

Online

Learning Outcomes Assessed

- Evaluate a contract to determine whether the elements of contract formation are present
- Compare the operation of Australian contract law with overseas contract law, particularly in relation to online commerce

Graduate Attributes

- Problem Solving
- Information Literacy
- Information Technology Competence

2 Written Assessment

Assessment Type

Written Assessment

Task Description

This assessment involves answering a problem-based question. The answer, which must cite appropriate legal principles and case law, consists of 1,500 - 1,750 words (including footnotes). All submissions must include appropriate legal footnotes that are compliant with Australian Guide to Legal Referencing 3rd edition.

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

Return Date to Students

Feedback and marks will be returned to students two weeks from submission date.

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, 4th ed](#)

Submission

Online

Submission Instructions

Submit through link on Moodle site

Learning Outcomes Assessed

- Evaluate a contract to determine whether the elements of contract formation are present
- Research legal principles from statute and case law, and apply those principles to the analysis of contractual disputes.

Graduate Attributes

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

3 Online Quiz

Assessment Type

Online Quiz(zes)

Task Description

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

Number of Quizzes**Frequency of Quizzes**

Other

Assessment Due Date**Return Date to Students**

The quiz results will be released once the quiz has closed

Weighting

10%

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, 4th ed](#)

Submission

Online

Learning Outcomes Assessed

- Analyse and interpret the express and implied provisions of a contract to determine its objective meaning

Graduate Attributes

- Problem Solving
- Information Literacy
- Information Technology Competence

4 Tutorial Participation Reflection

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_Kathryine_S99999.doc.

Assessment Due Date

Students may choose (and are encouraged) to submit this piece of assessment earlier than the due time and date.

Return Date to Students**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/or how you assist others.

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Learning Outcomes Assessed

- Explore general theories of contract law to guide the analysis of contractual disputes, and understand their operation in context
- Compare the operation of Australian contract law with overseas contract law, particularly in relation to online commerce
- 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.

Graduate Attributes

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

Examination

Outline

Complete an invigilated examination.

Date

During the examination period at a CQUniversity examination centre.

Weighting

40%

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.

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