



LAWS11062 Contract B

Term 2 - 2017

Profile information current as at 03/05/2024 09:39 am

All details in this unit profile for LAWS11062 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 builds on and develops knowledge acquired in LAWS11061 Contract A. Topics include: contracts with a vitiating element such as a mistake; misrepresentation; duress; undue influence; unconscionable contracts and illegal and void contracts. The unit also covers the ways in which a contract may be terminated and the remedies available for non-performance of a 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: LAWS11061 Contract A

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. **Written Assessment**

Weighting: 20%

2. **Presentation**

Weighting: 30%

3. **Written Assessment**

Weighting: 50%

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 course evaluations, student comments.

Feedback

Students continue to want fast, personalised and detailed feedback.

Recommendation

Continue to target return of assessment within two weeks of the due date. Continue to provide a combination of general feedback and personalised feedback, balancing student desires for detail with student desires for prompt return.

Feedback from Student comments, student performance.

Feedback

Students enjoyed the format of assessment task 2 (deliver oral submissions), because of its hands-on, interactive quality.

Recommendation

Continue to structure assessment to involve at least one item of practical or interactive assessment.

Feedback from Student course evaluations.

Feedback

Students were happy with the teaching style, and felt comfortable approaching the teacher for assistance where needed.

Recommendation

No change required.

Feedback from Student course evaluations.

Feedback

Some students found the time constraints of a take-home paper difficult to manage.

Recommendation

While an invigilated exam has been considered as an option, students generally find that format less convenient than a take-home paper. Recommend setting a take-home paper for the week before exam block, over a two day period in which one day is a weekend and one day is a weekday, and for that date to be notified in the course profile so that students have ample time to arrange their affairs. The split of the dates between weekdays and weekend is designed to ensure fairness to students with work commitments. Encourage a program of preparation for the take-home paper that is akin to the method of preparation for an invigilated exam, so that the task is not overwhelming upon release.

Unit Learning Outcomes

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

1. Comprehend the legal concepts and consequences of vitiating factors in contract law
2. Identify and apply corresponding statutory, common law and equitable remedies in resolving contractual disputes
3. Research and apply legal principles from statute and case law to the analysis of contractual disputes
4. Compare the operation of Australian contract law with overseas contract law, particularly in relation to online commerce
5. Demonstrate skills in communication, critical legal thinking, and reasoning.

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	5
1 - Written Assessment - 20%	•	•	•	•	•
2 - Presentation - 30%		•	•		•
3 - Written Assessment - 50%	•	•	•	•	•

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			•	•	•
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 - 20%	•	•	•	•		•		•		
2 - Presentation - 30%	•	•	•	•		•		•		
3 - Written Assessment - 50%	•	•	•	•		•		•		

Textbooks and Resources

Textbooks

LAWS11062

Prescribed

Contract Law

Edition: 4th (2013)

Authors: Willmott, Christensen, Butler, Dixon

OUP

South Melbourne , Victoria , Australia

ISBN: 9780195578461

Binding: Hardcover

LAWS11062

Prescribed

Contract Law Case Book

Edition: 4th (2013)

Authors: Butler, Christensen, Dixon, Willmott

OUP

South Melbourne , Victoria , Australia

ISBN: 9780195578478

Binding: Hardcover

Additional Textbook Information

Both of the above books come packaged together at a reduced cost to students. See the CQUni Bookshop for details:

<http://bookshop.cqu.edu.au/texts.asp>

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- *Note: Your Internet connection will need reasonable bandwidth to enable zoom.
- Video recording capability for your computer
- Zoom

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

AJ George Unit Coordinator

a.m.george@cqu.edu.au

Schedule

Week 1 - 10 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Mistake	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapter 14	

Week 2 - 17 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Misrepresentation	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapter 13	

Week 3 - 24 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Estoppel	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapter 7	

Week 4 - 31 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Unconscionability, Duress and Undue Influence	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapters 15-17	

Week 5 - 07 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Illegality	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapter 18	Written assessment - problem questions Due: Week 5 Monday (7 Aug 2017) 5:00 pm AEST

Vacation Week - 14 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Week 6 - 21 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Discharge by Performance or Agreement	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapters 19 & 21	

Week 7 - 28 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Discharge by Frustration	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapter 22	

Week 8 - 04 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Discharge by Breach	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapter 20	

Week 9 - 11 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Remedies at Common Law	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapter 20	Video presentation - oral submissions Due: Week 9 Monday (11 Sept 2017) 5:00 pm AEST

Week 10 - 18 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Remedies under the Australian Consumer Law		

Week 11 - 25 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
International Aspects of Contract Law	Willmott, Christensen, Butler & Dixon, Contract Law 4th ed, Chapter 28	

Week 12 - 02 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
Review and Q&A session		

Review/Exam Week - 09 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
		Take Home Paper Due: Review/Exam Week Monday (9 Oct 2017) 5:00 pm AEST

Exam Week - 16 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Written assessment - problem questions

Assessment Type

Written Assessment

Task Description

This assessment is designed to reinforce student learning in relation to the early-unit material covering the various vitiating factors in contract law. The assessment requires students to undertake basic research tasks, including the use of textbooks and other sources of information, to understand the basis for the vitiating factors. Students will be provided with two problem questions.

The specific questions will be provided to students during Week 1 of the semester.

The assessment will be 1500 words maximum in length exclusive of footnotes.

*Please note all submissions must adhere to the citation method used in the Australian Guide to Legal Citation, 3rd ed referencing style. See further the AGLC website [here](#).

Assessment Due Date

Week 5 Monday (7 Aug 2017) 5:00 pm AEST

Submissions are to be uploaded via Moodle.

Return Date to Students

Marks will be provided with a turnaround time of two weeks. Marks and comments will be provided via Moodle.

Weighting

20%

Assessment Criteria

The following graduate attributes are assessed in the assignment (worth 20%):

1. Communication (precise, accurate, concise)
2. Information Literacy
3. Information Technology Competence
4. Research
5. Critical Thinking
6. Ethical practice

Assessment Criteria/Rubric

Criteria	Excellent	Good	Poor
Basic goals (10%):			
Identification of primary issues	Identification of all major issues.	Identification of most major issues.	Identification of some major issues.
Demonstrated understanding of the subject matter	Excellent demonstrated understanding of the subject matter.	Good understanding of the subject matter.	Lacks understanding of the subject matter.
Structured argument	Superbly structured arguments.	Well-structured argument.	Poorly structured argument.
Higher order goal (5%):			
Analytical ability	Demonstrated high level of analysis.	Some analytical errors or omissions.	Numerous analytical errors or omissions.

Skills (5%):

Demonstrated clear and concise written expression	Clear and concise written expression.	Some unclear or verbose written expression.	Numerous examples of unclear or verbose written expression.
Spelling and grammar	No identifiable spelling or grammatical issues.	Minor spelling or grammatical issues.	Numerous spelling or grammatical issues.
Plain English drafting	No Plain English drafting errors.	Some Plain English drafting errors.	Numerous Plain English drafting errors.

Referencing Style

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

Submission

Online

Learning Outcomes Assessed

- Comprehend the legal concepts and consequences of vitiating factors in contract law
- Identify and apply corresponding statutory, common law and equitable remedies in resolving contractual disputes
- Research and apply legal principles from statute and case law to the analysis of contractual disputes
- Compare the operation of Australian contract law with overseas contract law, particularly in relation to online commerce
- Demonstrate skills in communication, critical legal thinking, and reasoning.

Graduate Attributes

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

2 Video presentation - oral submissions

Assessment Type

Presentation

Task Description

The video presentation assesses all Unit Objectives and the University Graduate Attributes of communication, problem solving, critical thinking, information literacy, IT competence and ethical practice.

Students will be provided with a short example video on how to deliver oral submissions to a generic court in relation to a contract matter. In order to complete this task, you will be required to:

- **analyse the example oral submissions - BY MONDAY WEEK 2,**
- **consider the problem question - BY MONDAY WEEK 2,**
- **nominate whether you wish to appear for the applicant or respondent - BY MONDAY WEEK 2,**
- develop a response of 4-6 minutes' length,
- create a video recording of yourself delivering your response, and
- submit the video to Moodle **BY THE DUE DATE.**

While a courtroom setting will not be required, students should make an effort to present themselves professionally for the video and to deliver their submissions clearly and effectively.

The problem may require you to cover unit material from both Contract A and the issues covered to date in Contract B. Further instructions on submission will be provided on the Moodle website for Contract B.

Assessment Due Date

Week 9 Monday (11 Sept 2017) 5:00 pm AEST

Video presentations must be uploaded as per the detailed instructions which will be provided on Moodle.

Return Date to Students

Marks will be returned with a turnaround time of two weeks. Both marks and comments will be provided via Moodle.

Weighting

30%

Assessment Criteria**Assessment Criteria for the Assessment/Rubric**

Criteria	Excellent	Good	Poor
Basic goals:			
Identification of primary issues	Identification of all major issues.	Identification of most major issues.	Identification of some major issues.
Demonstrated understanding of the subject matter	Excellent demonstrated understanding of the subject matter.	Good understanding of the subject matter.	Lacks understanding of the subject matter.
Structured argument	Superbly structured arguments.	Well-structured argument.	Poorly structured argument.
Higher order goal:			
Analytical ability	Demonstrated high level of analysis.	Some analytical errors or omissions.	Numerous analytical errors or omissions.
Skills:			
Demonstrated clear and concise oral presentation	Clear and concise oral expression.	Some unclear or verbose oral expression.	Numerous examples of unclear or verbose oral expression.
Pace, diction and persuasiveness	Pace, diction and persuasiveness at a high level.	Generally effective delivery with some lapses in pace, diction or persuasiveness	Poor, unpersuasive, difficult-to-follow presentation
General presentation	Presentation at a professional level	Some effort made at professional presentation	Poor professional presentation

Referencing Style

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

Submission

Online

Learning Outcomes Assessed

- Identify and apply corresponding statutory, common law and equitable remedies in resolving contractual disputes
- Research and apply legal principles from statute and case law to the analysis of contractual disputes
- Demonstrate skills in communication, critical legal thinking, and reasoning.

Graduate Attributes

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

3 Take Home Paper**Assessment Type**

Written Assessment

Task Description

The take home examination for this subject will be comprised of three parts.

Part A will be a series of ten short answer questions on any topic covered during the Term.

Part B will be a problem question which may cover any issues of Contract Law.

Part C will be a short theory question on a topic covered in Contract B.

The paper will be released on a Friday and must be returned on the due date (Monday), before the due time.

PLEASE NOTE: *IT IS ESSENTIAL THAT YOU SUBMIT YOUR TAKE HOME PAPER BEFORE THE DUE DATE AND TIME! In the absence of an approved extension, there will be **no opportunity to complete the task after this date** and no late penalty will be applicable. **You will receive a mark of zero.**

Assessment Due Date

Review/Exam Week Monday (9 Oct 2017) 5:00 pm AEST

Exam responses to be uploaded via Moodle.

Return Date to Students

Marks will be provided with a turnaround time of two weeks. Marks and comments will be provided via Moodle.

Weighting

50%

Assessment Criteria

Assessment Criteria for the Take Home Paper/Rubric

Criteria	Excellent	Good	Poor
Basic goals:			
Identification of primary issues	Identification of all major issues.	Identification of most major issues.	Identification of some major issues.
Demonstrated understanding of the subject matter	Excellent demonstrated understanding of the subject matter.	Good understanding of the subject matter.	Lacks understanding of the subject matter.
Structured argument	Superbly structured arguments.	Well-structured argument.	Poorly structured argument.
Higher order goal:			
Analytical ability	Demonstrated high level of analysis.	Some analytical errors or omissions.	Numerous analytical errors or omissions.
Skills:			
Demonstrated clear and concise written presentation	Clear and concise written expression.	Some unclear or verbose written expression.	Numerous examples of unclear or verbose Written expression.
Attention to legal forms and citation	Impeccable use of legal form and legal citation	Generally effective use of legal form and citations, with some lapses	Poor use of legal form and citations
Use of Plain English	Excellent use of plain English	Reasonable use of plain English	Poor effort at the use of plain English

Referencing Style

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

Submission

Online

Learning Outcomes Assessed

- Comprehend the legal concepts and consequences of vitiating factors in contract law
- Identify and apply corresponding statutory, common law and equitable remedies in resolving contractual disputes
- Research and apply legal principles from statute and case law to the analysis of contractual disputes
- Compare the operation of Australian contract law with overseas contract law, particularly in relation to online commerce
- Demonstrate skills in communication, critical legal thinking, and reasoning.

Graduate Attributes

- Communication
- Problem Solving

- Critical Thinking
- Information Literacy
- 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