



# **LAWS11062 Contract B**

## **Term 3 - 2017**

Profile information current as at 19/05/2024 10:44 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 3 - 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 survey

##### Feedback

Students asked for more unit-related content to be cross-posted to the Facebook Closed Group for participation and discussion by students.

##### Recommendation

Recommend continue to cross-post more unit-related content to the Facebook Closed Group for greater participation via social media.

## 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



### 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	•	•	•	•	•

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
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)

## 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

**Brett Eurell** Unit Coordinator

[b.eurell@cqu.edu.au](mailto:b.eurell@cqu.edu.au)

## Schedule

### Week 1 - 06 Nov 2017

Module/Topic	Chapter	Events and Submissions/Topic
Mistake	Prescribed text book Chapter 14	

### Week 2 - 13 Nov 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Misrepresentation and misleading and deceptive conduct

Prescribed text book  
Chapter 13

**Week 3 - 20 Nov 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Estoppel	Prescribed text book Chapter 7	

**Week 4 - 27 Nov 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Equitable concepts: unconscionability, duress and undue influence	Prescribed text book Chapters 15 to 17	

**Vacation Week - 04 Dec 2017**

Module/Topic	Chapter	Events and Submissions/Topic
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**Week 5 - 11 Dec 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Illegality	Prescribed text book Chapter 18	Problem Assignment Due: Week 5 Friday (15 Dec 2017) 5:00 pm AEST  <b>Problem assignment</b> Due: Week 5 Friday (15 Dec 2017) 5:00 pm AEST

**Week 6 - 18 Dec 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Termination by performance or agreement	Prescribed text book Chapters 19 and 21	

**Week 7 - 01 Jan 2018**

Module/Topic	Chapter	Events and Submissions/Topic
Frustration	Prescribed text book Chapter 22	

**Week 8 - 08 Jan 2018**

Module/Topic	Chapter	Events and Submissions/Topic
Termination by breach	Prescribed text book Chapter 20	

**Week 9 - 15 Jan 2018**

Module/Topic	Chapter	Events and Submissions/Topic
Remedies in common law and equity	Prescribed text book Chapters 23 to 25	Court presentation Due: Week 9 Friday (19 Jan 2018) 5:00 pm AEST  <b>Court (video) presentation</b> Due: Week 9 Friday (19 Jan 2018) 5:00 pm AEST

**Week 10 - 22 Jan 2018**

Module/Topic	Chapter	Events and Submissions/Topic
Remedies under the Australian Consumer Law	Read the relevant provisions of the Australian Consumer Law	

**Week 11 - 29 Jan 2018**

Module/Topic	Chapter	Events and Submissions/Topic
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International aspects of contract law

Prescribed text book  
Chapter 28

#### Week 12 - 05 Feb 2018

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

#### Review/Exam Week - 12 Feb 2018

Module/Topic	Chapter	Events and Submissions/Topic
		<b>Take home paper</b> Due: Exam Week Monday (12 Feb 2018) 11:45 pm AEST

#### Exam Week - 12 Feb 2018

Module/Topic	Chapter	Events and Submissions/Topic
		Take Home Paper Due: Exam Week (12 to 16 Feb 2018) 11:45 pm AEST
		<b>Take home paper</b> Due: Exam Week Monday (12 Feb 2018) 11:45 pm AEST

## Assessment Tasks

### 1 Problem assignment

#### Assessment Type

Written Assessment

#### Task Description

This assessment is designed to reinforce student learning in relation to the early-unit material covering the various means of vitiation of contracts. The assessment also requires students to undertake basic research tasks, including the use of textbooks and other sources of information, to understand the basis for the vitiation of contracts. Students will be provided with two problem questions each based upon one of the types of vitiation.

The specific questions will be provided to students during Week 1 of the semester. The assessment will be 2000 words maximum in length (a maximum of 1000 words per problem question).

\*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 Friday (15 Dec 2017) 5:00 pm AEST

Submissions will be uploaded via Moodle

#### Return Date to Students

Week 7 Wednesday (3 Jan 2018)

Marks will be returned via Moodle

#### Weighting

20%

#### Assessment Criteria

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

1. Communication
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.
<b>Higher order goal (5%):</b>			
Analytical ability	Demonstrated high level of analysis.	Some analytical errors or omissions.	Numerous analytical errors or omissions.
<b>Skills (5%):</b>			
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 Court (video) presentation

### 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.

The student will be required to analyse these oral submissions and to develop a response of 4-6 minutes' length. The student must then create a video recording of themselves delivering their response. 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 submissions will cover unit material from all of Contract A and Contract B. Issues of formation, interpretation, vitiating and discharge/remedy may all be covered. The video submission will be uploaded to Moodle in week 9.

### Assessment Due Date

Week 9 Friday (19 Jan 2018) 5:00 pm AEST

Submissions will be uploaded to YouTube as unlisted videos - detailed instructions will be provided



**Return Date to Students**

Week 12 Monday (5 Feb 2018)

Comments will be provided via Moodle

**Weighting**

30%

**Assessment Criteria**

## Assessment Criteria for the Assessment/Rubric

Criteria	Excellent	Good	Poor
<b>Basic goals:</b>			
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.
<b>Higher order goal:</b>			
Analytical ability	Demonstrated high level of analysis.	Some analytical errors or omissions.	Numerous analytical errors or omissions.
<b>Skills:</b>			
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 the Monday of exam week and must be returned within 48 hours. 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 for this assessment task.

### Assessment Due Date

Exam Week Monday (12 Feb 2018) 11:45 pm AEST

DO NOT TAKE ANY NOTICE OF THE SPECIFIC DATE HERE. The actual dates for the take home paper will be set once the examination timetable is released, in order to avoid clashes with other subjects.

### Return Date to Students

General feedback will be provided as quickly as practicable after completion of marking

### Weighting

50%

### Assessment Criteria

## Assessment Criteria for the Take Home Paper/Rubric

Criteria	Excellent	Good	Poor
<b>Basic goals:</b>			
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.
<b>Higher order goal:</b>			
Analytical ability	Demonstrated high level of analysis.	Some analytical errors or omissions.	Numerous analytical errors or omissions.
<b>Skills:</b>			
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