

# LAWS11062 Contract B

Term 3 - 2020

Profile information current as at 02/05/2024 08:02 pm

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

LAWS11062 Contract B builds on and develops knowledge acquired in LAWS11061 Contract A. In this unit you will examine 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 assigned, discharged, terminated; promissory estoppel; and the remedies available for non-performance of a contract. This unit together with LAWS11061 Contract A 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: LAWS11061

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 <u>Assessment Policy and Procedure (Higher Education Coursework)</u>.

# Offerings For Term 3 - 2020

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. 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 <u>University's Grades and Results Policy</u> 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 John Milburn

#### **Feedback**

Unit redesign

#### Recommendation

In 2021, LAWS11062 (Contract B) will be combined with LAWS11061 (Contract A), which will provide an opportunity for the complete redesign of the unit and its assessment regime.

# **Unit Learning Outcomes**

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

- 1. Understand 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
- 6. Demonstrate an understanding of how contracts are assigned, discharged or terminated.

# Alignment of Learning Outcomes, Assessment and Graduate Attributes Intermediate Introductory Graduate 🥛 Advanced Professional Level Level Level Alignment of Assessment Tasks to Learning Outcomes **Assessment Tasks Learning Outcomes** 5 6 1 - Written Assessment - 20% 2 - Presentation - 30% 3 - Written Assessment - 50% Alignment of Graduate Attributes to Learning Outcomes **Graduate Attributes Learning Outcomes** 6 1 - Communication

Graduate Attributes				Learning Outcomes						
					1	2	3	4	5	6
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 Gradu	ate Attri	bute	es							
Assessment Tasks	Gra	Graduate Attributes								
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 20%	•	•	•	•		•		•		
2 - Presentation - 30%	•	•	•	•		•		•		

# Textbooks and Resources

## **Textbooks**

LAWS11062

#### **Prescribed**

#### **Contract Law**

Edition: 5th (2018)

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

Oxford University Press

South Melbourne, Vic, Australia

ISBN: 9780190304751 Binding: Paperback LAWS11062

#### **Prescribed**

#### **Contract Law Casebook**

Edition: 3rd (2018)

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

Oxford University Press

South Melbourne, Vic, Australia

ISBN: 9780190304768 Binding: Paperback

## View textbooks at the CQUniversity Bookshop

## IT Resources

### You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom capacity (web cam and microphone)
- Online Referencing Website, Australian Guide to Legal Citation (4th edition), for all assignments

# Referencing Style

All submissions for this unit must use the referencing style: <u>Australian Guide to Legal Citation, 4th ed</u> For further information, see the Assessment Tasks.

# **Teaching Contacts**

AJ George Unit Coordinator a.m.george@cgu.edu.au

# Schedule

### Week 1 Mistake - 09 Nov 2020

Module/Topic Chapter

**Events and Submissions/Topic** 

Prescribed text book Please note - I will NOT be using the old 2013 text. I will be using the 5th ed (2018) text. This is available online through the CQU library (see access options in the next box to

the right).

The two editions are substantially

similar except for: \*Week 2 readings on

misrepresentation/misleading or deceptive conduct, and

\*Week 7 readings on termination, and \*Week 10 readings on restitution.

(see box to the right).

This week read: Chapter 14 (of either 2013 or 2018 edition)

Total reading at this point only 28 pages

Plus: corresponding chapter of case book for mistake, then\*

\*Make a start on Week 2. Chapter 13 of the 2018 text (see box to

right), Common Law

Misrepresentation (pp463-492), 28 pages: brings total reading from the text to 56 pages

TO ACCESS THE WILLMOTT ET AL.

2018 TEXT:

Go to the CQUniversity Library catalogue entry for Willmott et al, and access the 2018 text HERE!! OR login with your CQUniversity Please check out those chapters online student details and view the new 2018 text here via ProQuest: Willmott et al, 2018 [online version through CQU

> OR see the pdf version of Willmott et al, Chapter 13 for Week 2 HERE!!

## Week 2 Misrepresentation, and misleading and deceptive conduct - 16 Nov 2020

Module/Topic Chapter **Events and Submissions/Topic** 

> Prescribed text book Chapter 13 of 2018 text (see

access options under "Events and Submissions/Topic" in Week 1 **above)**, finish this chapter (Misleading or Deceptive Conduct **pp492-565**) Total reading for this week 73 pages\* -You can finish the last 16pgs next week if you like (from 13.19.6 on

p549 to p565) \*Plus: corresponding chapter of case book for misrepresentation.

Read Chapter 13 online if necessary, see notes to Week 1 above. Get started on first assignment.

# Week 3 Estoppel - 23 Nov 2020

Misrepresentation, and

conduct

Estoppel\*

misleading and deceptive

Mistake

\*\*Start the readings for

Week 2, Misrepresentation

Module/Topic Chapter **Events and Submissions/Topic** 

> Prescribed text book, case book Chapter 7 (of either 2013 and 2018

edition)

Total reading this week only 20 pages\*

\*If you haven't finished the

Misrepresentation chapter (13) do so

this week, brings total reading for this

week to 36 pages\*

\*Plus: corresponding chapter of case

book

\*And then you still have time to get cracking on your first assignment(!) Continue working on first assignment.

## Week 4 Equitable concepts: unconscionable conduct, duress and undue influence - 30 Nov 2020

Module/Topic **Events and Submissions/Topic** Chapter

Prescribed text book

Equitable concepts:

or agreement

unconscionable conduct, duress and undue influence Chapters 15, 16, 17 (of either 2013 or

2018 edition)

Total reading for the week 50 pages\* \*Plus: corresponding chapters of case

First assignment due in WEEK 5!

Mid-Term Vacation week - 07 Dec 2020

Module/Topic Chapter **Events and Submissions/Topic** 

Week 5 Void and Illegal Contracts - 14 Dec 2020

Module/Topic Chapter **Events and Submissions/Topic** 

Prescribed text book

Chapter 18 (of either 2013 or 2018

edition) PROBLEM ASSIGNMENT Due: Week Illegality Total reading the week 50 pages\* 5 Friday (18 Dec 2020) 11:59 pm AEST

\*Plus: corresponding chapter of case

book.

Week 6 Discharge by performance or agreement - 21 Dec 2020

Module/Topic Chapter **Events and Submissions/Topic** 

Prescribed text book

Chapters 19 and 21 (of either 2013 or

2018 edition)

Total reading to this point only 27

pages\*

\*Plus: corresponding chapters of case Discharge by performance

book. so ... \*Make a start on next week's

reading. Discharge by Termination. Chapter 20 (2018 edition, p717 to **20.10 on p735**. See access options in Week 1 above or see the pdf of

Start/continue working on assessment

Continue working on assessment

Continue working on court

week 9!

submissions (assessment 2) due

2. Due in week 9.

Week 1, above. OR see the online pdf

Read Chapters 19 and 21 (either edition) then start Chapter 20, 2018

edition. See access options under

of Chapter 20, HERE!!

Week 7 Discharge by termination: breach, repudiation - 04 Jan 2021

Module/Topic Chapter **Events and Submissions/Topic** 

Chapter 20 in the box to the right)

Prescribed text book

Chapter 20 (read 2018 edition). See access options under Week 1 above, or pdf of Chapter 20 in Week 6 above. Total reading for the week 67 pages\*

(hopefully you started the first 18 pages last week!)

\*Plus: corresponding chapter of case

hook

Week 8 Frustration - 11 Jan 2021

Discharge by termination:

breach, repudiation

Frustration

Module/Topic Chapter **Events and Submissions/Topic** 

Prescribed text book

Chapter 22 (of either 2013 or 2018

edition)

Total reading for the week only 20

pages\*

\*Plus: corresponding chapter of case

book, so ...

\*Why not finish off last week's reading

on Discharge by Termination, OR \*Why not get started on next

week's reading on Remedies, OR

\*Why not spend some time on

Assessment 2?

Week 9 Remedies (Part I: Damages) - 18 Jan 2021

Module/Topic **Events and Submissions/Topic** Chapter

Prescribed text book

Chapter 23 (of either 2013 or 2018 text. If reading from 2013 text,

\*\*please read p869 [23.13.5] to p871 (3 pages) of 2018 text as this is NOT in 2013 edition\*\*

Total reading for the week 50 pages\* \*Plus: corresponding chapter of case book.

**VIDEO PRESENTATION OF SUBMISSIONS TO COURT** Due: Week 9 Friday (22 Jan 2021) 11:59 pm

Week 10 Remedies (Part II: Restitution, Equity, ACL) - 25 Jan 2021

Module/Topic Chapter **Events and Submissions/Topic** 

Prescribed text book

Chapter 24 of 2018 edition, AND Chapter 25 (of either 2013 or 2018

edition)

Remedies (Part II: Total reading from text for the week

Restitution, Equity, ACL) 59 pages\*

Remedies (Part I: Damages)

\*Also need to read relevant provisions of the Australian Consumer Law

\*No readings from the case book!

Chapter 24, 2018 edition. See access options under Week 1, above. No pdf available for this chapter for copyright reasons. Also read Chapter 25 (either

edition).

**AEST** 

Week 11 International aspects of contract law - 01 Feb 2021

**Events and Submissions/Topic** Module/Topic Chapter

Prescribed text book (2013 edition)\*

Chapter 28\* (see box to right for .pdf

version)

\*Only read selected portions [28.05-95], [28.280-415]

Malbon, J 'Online Cross-Border Consumer Transactions', [2013] UWALawRw 3 access it HERE!!

ACCC v Valve Corporation [2017] FCAFC 224

No readings from the case book!

See pdf of Chapter 28 HERE!!

**Malbon** 

ACCC v Valve Corporation

Review Period - 08 Feb 2021

International aspects of

contract law

Module/Topic **Events and Submissions/Topic** Chapter

Exam Period - 15 Feb 2021

Module/Topic Chapter **Events and Submissions/Topic** 

> TAKE-HOME PAPER Due: Exam Week Tuesday (16 Feb 2021) 11:59 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 problem questions based upon vitiating factors. The specific questions will be provided to students during Week 1 of the semester. The assessment will be 2000 words maximum in length.

\*Please note all submissions must adhere to the citation method used in the Australian Guide to Legal Citation, 4th ed referencing style. See further the <u>AGLCwebsite here</u>. See rubric below.

## **Assessment Due Date**

Week 5 Friday (18 Dec 2020) 11:59 pm AEST Instructions on Moodle.

### **Return Date to Students**

Two weeks from submission date.

### Weighting

20%

## **Assessment Criteria**

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

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

No or very few referencing Reasonable level of errors. Excellent level of compliance with AGLC4 citation style as well as grammar and punctuation. punctuation. Shows at Shows a mastery of legal citation and referencing requirements.

Some referencing errors. referencing errors. compliance with AGLC4 citation style as well as grammar and least a basic understanding of legal citation and referencing requirements.

Numerous Fails to comply with AGLC4 citation style and/or significant level of grammar, punctuation errors. Shows little understanding of legal citation and referencing requirements.

#### **Referencing Style**

• Australian Guide to Legal Citation, 4th ed

#### **Submission**

Online

#### **Submission Instructions**

Instructions on Moodle.

#### **Learning Outcomes Assessed**

- Understand 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 OF SUBMISSIONS TO COURT

## **Assessment Type**

Presentation

#### **Task Description**

The video presentation assesses 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 problem scenario in relation to a contract matter. Students will then be required to analyse the problem and develop oral submissions in response. The student must create a video recording of themselves delivering their response and submit the video recording. While a courtroom setting will not be required, students should make an effort to present themselves professionally for the video (male: jacket and tie; female jacket and skirt or pants; neat hair and otherwise presentable) and to deliver their submissions clearly and effectively. The submissions will cover unit material as instructed. See rubric below.

#### **Assessment Due Date**

Week 9 Friday (22 Jan 2021) 11:59 pm AEST Detailed instructions will be posted on Moodle.

#### **Return Date to Students**

Two weeks from submission date.

## 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 delibery 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, 4th ed

## **Submission**

Online

#### **Submission Instructions**

Detailed instructions will be posted on Moodle.

## **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**

This written assessment is a take-home paper, which includes several questions, to be completed at home and submitted via Moodle. The paper will include a mixture of problem questions and/or short answer questions and/or essay/theoretical questions. The paper may cover any of the topics from weeks 1-12. The paper will be released on a day to be announced, which will be during the exam week. Once the questions are released, there will be 24 hours in which to complete and submit.

All answers must cite appropriate legal principles and/or case law and/or legislation as required, compliant with AGLC format.

The answers must be saved in MS Word (not as a PDF) and submitted in the following format:

LastName FirstName.docx.

#### **Assessment Due Date**

Exam Week Tuesday (16 Feb 2021) 11:59 pm AEST

Due date and time to be announced, and further submission instructions, on Moodle.

#### **Return Date to Students**

Return date and time to be announced

#### Weighting

50%

#### **Assessment Criteria**

This assessment will be assessed according to the following criteria: correct and thorough identification of the legal issue(s), rules/legal principles; correct and thorough analysis and application of the rules/principles to the legal issue(s); well-thought-out conclusion; quality of language use and observance of proper structure, format, and instructions. Please use the rubric from the first written assessment for guidance.

### **Referencing Style**

• Australian Guide to Legal Citation, 4th ed

### **Submission**

Online

#### **Submission Instructions**

Instructions on Moodle.

## **Learning Outcomes Assessed**

- Understand 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
- Demonstrate an understanding of how contracts are assigned, discharged or terminated.

### **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 <u>Academic Learning Centre (ALC)</u> 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