



# LAWS11062 Contract B

## Term 3 - 2020

Profile information current as at 20/04/2024 04:15 am

All details in this unit profile for LAWS11062 have been officially approved by CQUUniversity 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 [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

#### 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 [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 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



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes					
	1	2	3	4	5	6
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	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 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: 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: [Australian Guide to Legal Citation, 4th ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**AJ George** Unit Coordinator

[a.m.george@cqu.edu.au](mailto:a.m.george@cqu.edu.au)

## Schedule

### Week 1 Mistake - 09 Nov 2020

Module/Topic	Chapter	Events and Submissions/Topic
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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.  
 Please check out those chapters online (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 student details and view the new 2018 text here via ProQuest: [Willmott et al, 2018 \[online version through CQU library\]](#)

OR see the pdf version of Willmott et al, Chapter 13 for Week 2 [HERE!!](#)

Mistake

\*\*Start the readings for Week 2, Misrepresentation

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

Module/Topic	Chapter	Events and Submissions/Topic
Misrepresentation, and misleading and deceptive conduct	Prescribed text book <b>Chapter 13 of 2018 text (see access options under "Events and Submissions/Topic" in Week 1 above)</b> , finish this chapter (Misleading or Deceptive Conduct <b>pp492-565</b> ) Total reading for this week 73 pages* - You can <b>finish the last 16pgs next week if you like</b> (from 13.19.6 on <b>p549 to p565</b> ) *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

Module/Topic	Chapter	Events and Submissions/Topic
Estoppel*	Prescribed text book, case book Chapter 7 (of either 2013 and 2018 edition) Total reading this week only 20 pages* so ... *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 <b>first assignment(!)</b>	Continue working on first assignment.

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

Module/Topic	Chapter	Events and Submissions/Topic
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Equitable concepts: unconscionable conduct, duress and undue influence	Prescribed text book Chapters 15, 16, 17 (of either 2013 or 2018 edition) Total reading for the week 50 pages* *Plus: corresponding chapters of case book.	<b>First assignment due in WEEK 5!</b>
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**Mid-Term Vacation week - 07 Dec 2020**

Module/Topic	Chapter	Events and Submissions/Topic
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**Week 5 Void and Illegal Contracts - 14 Dec 2020**

Module/Topic	Chapter	Events and Submissions/Topic
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Illegality	Prescribed text book Chapter 18 (of either 2013 or 2018 edition) Total reading the week 50 pages* *Plus: corresponding chapter of case book.	<b>PROBLEM ASSIGNMENT</b> Due: Week 5 Friday (18 Dec 2020) 11:59 pm AEST
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**Week 6 Discharge by performance or agreement - 21 Dec 2020**

Module/Topic	Chapter	Events and Submissions/Topic
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Discharge by performance or agreement	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 book, so ... <b>*Make a start on next week's reading</b> , Discharge by Termination, Chapter 20 ( <b>2018 edition, p717 to 20.10 on p735</b> ). See access options in Week 1 above or see the pdf of Chapter 20 in the box to the right)	Read Chapters 19 and 21 (either edition) then start Chapter 20, 2018 edition. See access options under Week 1, above. OR see the online pdf of Chapter 20, <a href="#">HERE!!</a> Start/continue working on assessment 2.
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**Week 7 Discharge by termination: breach, repudiation - 04 Jan 2021**

Module/Topic	Chapter	Events and Submissions/Topic
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Discharge by termination: breach, repudiation	Prescribed text book Chapter 20 ( <b>read 2018 edition</b> ). 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 book.	Continue working on assessment 2. Due in week 9.
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**Week 8 Frustration - 11 Jan 2021**

Module/Topic	Chapter	Events and Submissions/Topic
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Frustration	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 <b>*Why not get started on next week's reading on Remedies</b> , OR *Why not spend some time on Assessment 2?	<b>Continue working on court submissions (assessment 2) due week 9!</b>
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**Week 9 Remedies (Part I: Damages) - 18 Jan 2021**

Module/Topic	Chapter	Events and Submissions/Topic
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Remedies (Part I: Damages)	<p>Prescribed text book Chapter 23 (of either 2013 or 2018 text. If reading from 2013 text, <b>**please read p869 [23.13.5] to p871 (3 pages) of 2018 text as this is NOT in 2013 edition**</b> Total reading for the week 50 pages* *Plus: corresponding chapter of case book.</p>	<p><b>VIDEO PRESENTATION OF SUBMISSIONS TO COURT</b> Due: Week 9 Friday (22 Jan 2021) 11:59 pm AEST</p>
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**Week 10 Remedies (Part II: Restitution, Equity, ACL) - 25 Jan 2021**

Module/Topic	Chapter	Events and Submissions/Topic
Remedies (Part II: Restitution, Equity, ACL)	<p>Prescribed text book Chapter <b>24 of 2018 edition</b>, AND Chapter 25 (of either 2013 or 2018 edition) Total reading from text for the week 59 pages* *Also need to read relevant provisions of the Australian Consumer Law *No readings from the case book!</p>	<p>Chapter 24, <b>2018 edition</b>. See access options under Week 1, above. No pdf available for this chapter for copyright reasons. Also read Chapter 25 (either edition).</p>

**Week 11 International aspects of contract law - 01 Feb 2021**

Module/Topic	Chapter	Events and Submissions/Topic
International aspects of contract law	<p>Prescribed text book (<b>2013 edition</b>)* 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 <a href="#">HERE!!</a> <a href="#">ACCC v Valve Corporation [2017] FCAFC 224</a> No readings from the case book!</p>	<p>See pdf of Chapter 28 <a href="#">HERE!!</a> <a href="#">Malbon</a> <a href="#">ACCC v Valve Corporation</a></p>

**Review Period - 08 Feb 2021**

Module/Topic	Chapter	Events and Submissions/Topic
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**Exam Period - 15 Feb 2021**

Module/Topic	Chapter	Events and Submissions/Topic
		<p><b>TAKE-HOME PAPER</b> Due: Exam Week Tuesday (16 Feb 2021) 11:59 pm AEST</p>

## 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 vitiating 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 vitiating 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 [AGLC website here](#). 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

<b>Criteria</b>	<b>Excellent</b>	<b>Good</b>	<b>Poor</b>
<b>Basic goals (10%):</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 (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	No or very few referencing errors. Excellent level of compliance with AGLC4 citation style as well as grammar and punctuation. Shows a mastery of legal citation and referencing requirements.	Some referencing errors. Reasonable level of compliance with AGLC4 citation style as well as grammar and punctuation. Shows at least a basic understanding of legal citation and referencing requirements.	Numerous referencing errors. Fails to comply with AGLC4 citation style and/or significant level of grammar, punctuation errors. Shows little understanding of legal citation and referencing requirements.
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### 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
<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, 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 [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