LAWS11066 *Contracts*

Term 3 - 2021

Profile information current as at 12/10/2024 01:37 pm

All details in this unit profile for LAWS11066 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 is designed to provide you with knowledge of the fundamental principles of the law of Contract in Australia. Along with the law of Torts, this unit will provide you with a solid foundation in many of the civil law issues faced in legal practice. The unit first canvasses the theoretical underpinnings of contract law, before examining the principles of a valid and enforceable contract, including intention to create legal relations, capacity and consideration. You will then investigate and reflect on the contents, construction and interpretation of a contract and the doctrine of privity. The unit then moves on to consider contracts with a vitiating element such as mistake, misrepresentation, duress, undue influence, unconscionable contracts, and illegal and void contracts. Finally the unit examines 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 meets the Legal Practitioners Admissions Board 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

Co-requisite: LAWS11057 Introduction to Law
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 - 2021

- Online

Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

Regional Campuses
Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

Metropolitan Campuses
Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Online Quiz(zes)**
Weighting: 20%
2. **Written Assessment**
Weighting: 30%
3. **Reflective Practice Assignment**
Weighting: 10%
4. **Take Home Exam**
Weighting: 40%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the University's Grades and Results Policy for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the CQUniversity Policy site.
You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the CQUniversity Policy site.

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 SUTE

Feedback
more summarised study guides with more info in the textbook

Recommendation
The study guides are reviewed annually for improvements for the next iteration.

Feedback from SUTE

Feedback
AJ is an awesome motivator. Her energy and enthusiasm often gabe me the ectra oomph I needed. The study guides were comprehensive and an excellent resource for supporting my study (because the key points were explained in detail) In other courses the study guides were quite brief, which doesnt suploet my personal style of learning. Also AJ added her own flavour with puns and one liners. These 'Dad Jokes' did wonders for lightening the heavy material. Condensing A&B seemed to work really well and not compromise the coverage of important aspects.

Recommendation
The study guides are reviewed annually for improvements for the next iteration.

Feedback from SUTE

Feedback
Quite a large subject. I wish I had appreciated this more from the beginning so I could have done this subject on it's own and have been able to give it the effort that it required.

Recommendation
Students are advised of the challenging nature of this unit in the first study guide and first zoom tutorial. Unit coordinator emphasises the need for good time management skills to complete the unit successfully.

Feedback from SUTE

Feedback
I think the best part of the unit was that it was combined with A and B contract law. In the past I have hesitated to do contract law because it is spread out over two years or to do a bespoke course at some universities cost three times as much. So I was very excited when I realise CQ University offers contract law in one unit. Many people who study contract management, would greatly appreciate being able to get a university standard qualification in contract law in conjunction with their other studies.

Recommendation
The combined unit structure will be retained for future iterations. The unit does cover a significant amount of learning material, but as per the previous item, the UC advises the weekly time requirement and importance of good time management from week 1 of term.

Unit Learning Outcomes

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

1. Discuss and reflect on general theories of Contract law that guide the analysis of contract principles, and understand their operation in context
2. Analyse a contract to determine whether the elements of contract formation are present
3. Analyse and interpret the express and implied provisions of a contract to determine its objective meaning
4. Explain the legal concepts and consequences of vitiating factors in contract law, and available remedies
5. Explain how contracts are assigned, discharged or terminated, and available remedies
6. Research and apply legal principles from statute and case law to the analysis of contractual disputes to demonstrate skills in communication, critical legal thinking, and reasoning.

This unit satisfies the Priestley 11 requirements for Contracts as approved by the Legal Practitioners Admissions Board.

Alignment of Learning Outcomes, Assessment and Graduate Attributes

— N/A Level | • Introductory Level | • Intermediate Level | • Graduate Level | ◦ Professional Level | ◦ Advanced Level

Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes					
	1	2	3	4	5	6
1 - Written Assessment - 30%		•	•			•
2 - Take Home Exam - 40%	•	•	•	•	•	•
3 - Online Quiz(zes) - 20%	•			•	•	
4 - Reflective Practice Assignment - 10%	•					

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes					
	1	2	3	4	5	6
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 - 30%	•	•	•	•		•		•		

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
2 - Take Home Exam - 40%	•	•	•	•		•		•		
3 - Online Quiz(zes) - 20%	•	•	•	•		•				
4 - Reflective Practice Assignment - 10%	•		•	•		•		•	•	

Textbooks and Resources

Textbooks

LAWS11066

Prescribed

An Introduction to the Law of Contract
Edition: 10th edn (2020)
Authors: Stephen Graw
Thomson Reuters
Pyrmont , NSW , Australia
ISBN: 9780455244921
Binding: Paperback

Additional Textbook Information
*While some copies of this prescribed text are available as e-books in the CQUniversity library, students should not rely on these e-books being accessible during exam block. Students should check the CQU Law Textbook Facebook page to ascertain availability of second-hand copies of the prescribed text: https://www.facebook.com/groups/1652872991701036.

View textbooks at the CQUniversity Bookshop

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

Referencing Style

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

Teaching Contacts

Peter Robinson Unit Coordinator
p.robinson1@cqu.edu.au

Schedule

Week 1 - 08 Nov 2021

Module/Topic	Chapter	Events and Submissions/Topic

• Theories of Contract Law • Legal Research and the Doctrine of Precedent • *Skills Building*	• *Theories of Contract Law* – set resource: Jeannie Paterson, Andrew Roberts and Arlen Duke, *Principles of Contract Law* (Lawbook Co, 4th edition 2012), **Chapters 1 and 2** (on Moodle, under 'Week 1' tile). • *Basic Legal knowledge* – prescribed text: Stephen Graw, *An Introduction to the Law of Contract* (Lawbook Co, Thomson Reuters, 10th edition 2020) ('Text'), **Chapters 1 and 2**. • *Skills building* – resources under the 'Skills Building' tile on Moodle.	• Complete the skills building tasks for week 1 (under Skills Building Tile on Moodle) • Complete the tutorial work for week 1 (in Study Guide)

Week 2 - 15 Nov 2021

Module/Topic	Chapter	Events and Submissions/Topic
• Intention to Create Legal Relations • *Skills Building*	• *Legal Knowledge* – Text, **Chapter 5** 'Intention to be bound'. • *Skills Building* – resources under the 'Skills Building' tile on Moodle for week 2.	• Complete the skills building tasks for week 2 (under Skills Building Tile on Moodle) • Complete the tutorial work for week 2 (in Study Guide)

Week 3 - 22 Nov 2021

Module/Topic	Chapter	Events and Submissions/Topic
• Capacity to Contract	• Text, **Chapter 7**, 'Capacity to Contract'.	• Complete the tutorial work for week 3 (in Study Guide) • **Start work on your written assessment (30%)**

Week 4 - 29 Nov 2021

Module/Topic	Chapter	Events and Submissions/Topic
• Offer and Acceptance	• Text: ◦ **Chapter 3**, 'The Offer', ◦ **Chapter 4**, 'Acceptance', ◦ **Chapter 17**, 'Contracting Electronically', ***but only paragraphs 17.1-17.5***. • Lindy Willmott, Sharon Christensen, Des Butler and Bill Dixon, *Contract Law* (Oxford Publishing, 5th ed, 2018) **pages 76-81. *This text is available as an eBook in the CQU library, click HERE or HERE*.**	• Complete the tutorial work for week 4 (in Study Guide) • **Continue work on your written assessment (30%)** • **Revise for your first quiz (10%), which is due in Week 5**

Vacation Week - 06 Dec 2021

Module/Topic	Chapter	Events and Submissions/Topic
Vacation week	Vacation week	• **Continue work on your written assessment (30%)**

Week 5 - 13 Dec 2021

Module/Topic	Chapter	Events and Submissions/Topic
• Consideration and Estoppel	• Text, **Chapter 6**, 'Consideration'.	• The **first quiz** is due Friday 17 December 2021, 9 PM Queensland time. • Complete the tutorial work for week 5 (in Study Guide) • **Continue work on your written assessment (30%)**

Week 6 - 20 Dec 2021

Module/Topic	Chapter	Events and Submissions/Topic

• Doctrine of Privity, and • (Start) Content & Construction of Contracts	• Text, **Chapter 8**, 'Privity of Contract'. • ***Note: this week's readings are light, so I <u>strongly</u> recommend making a start on next week's readings, which are a heavier load*. If at all possible, try to:** ◦ **read the Study Guide for next week;** ◦ **watch at least some of the week 7 videos; and** ◦ **read half of Graw Chapter 9, 'Contents of a Contract'.**	• Complete the tutorial work for week 6 (in Study Guide) • **Continue work on your written assessment (30%)**

Vacation Week - 27 Dec 2021

Module/Topic	Chapter	Events and Submissions/Topic
Vacation week	Vacation week	• **Continue work on your written assessment (30%)**

Week 7 - 03 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic
• Content & Construction of Contracts	• Text: ◦ **Chapter 9**, 'Contents of a Contract'; and ◦ **Chapter 10**, 'Exempting, Excluding and Limiting Terms'.* ***10.530-580 are *optional only***. • Case law: *Associated Newspapers Ltd v Bancks* (1951) 83 CLR 322. • Strongly recommended: Study guide 7A, the Australian Consumer Law (on Moodle).	• Complete the tutorial work for week 7 (in Study Guide, also in Moodle discussion forum under Week 7 tile) • **Continue work on your written assessment (30%), which is due next week**

Week 8 - 10 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic
• Illegal and Void Contracts; and • The Doctrine of Mistake.	• Text: ◦ **Chapter 14**, 'Illegal and void contracts'; and ◦ **Chapter 11**, 'Mistake'.	• Complete the tutorial work for week 8 (in Study Guide) **Written assessment** Due: Week 8 Thursday (13 Jan 2022) 11:45 pm AEST

Week 9 - 17 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic
• Misrepresentation; and • Misleading or Deceptive Conduct.	• Text, **Chapter 12**, 'Misrepresentation'; and • John Carter, *Carter on Contract* (Lexis Advance Research, 2021), **Chapter 21**, 'Legislative Prohibition of Misleading or Deceptive Conduct'. (You may need to use your CQU Library logon).	• Complete the tutorial work for week 9 (in Study Guide). • **Revise for your second quiz (10%), which is due next week**

Week 10 - 24 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic
The doctrines of: • Duress, • Undue Influence, • Unconscionable Conduct.	• Text, **Chapter 13**, 'Duress, Undue Influence and Unconscionability'.	• The **second quiz** is due Friday 28 January 2021, 9 PM Queensland time. • Complete the tutorial work for week 10 (in Study Guide). • **Start work on your reflection activity (10%)**

Week 11 - 31 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic

• Discharging a contract	• Text, **Chapter 15**, 'Discharging a Contract'.	• Complete the tutorial work for week 11 (in Study Guide). **• Start revision for the final take-home exam** **• Continue work on your reflection activity (10%), which is due next week**
Week 12 - 07 Feb 2022		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
• Remedies	• Text, **Chapter 16**, 'Remedies'.	• Complete the tutorial work for week 12 (in Study Guide). **• Continue revision for the final take-home exam** **Learning Reflection** Due: Week 12 Monday (7 Feb 2022) 11:45 pm AEST
Exam Week - 14 Feb 2022		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
Revision for final take-home exam	Revision for final take-home exam	Revision for final take-home exam

Assessment Tasks

1 Two (2) Online Quizzes

Assessment Type
Online Quiz(zes)

Task Description
The first quiz is designed to give students an early additional opportunity to assess their progress in this subject. The quiz will consist of ten questions worth a mark each.
The second quiz is designed to give students an additional opportunity to assess their progress in this subject. The quiz will consist of ten questions worth a mark each.

Number of Quizzes
2

Frequency of Quizzes
Other

Assessment Due Date

The first Quiz will be due Friday Week 5 - 17 December 2021, 9 PM Queensland time. The second Quiz will be due Friday Week 10 - 28 January 2021, 9 PM Queensland time.

Return Date to Students

The quiz results will be released once each quiz has closed.

Weighting
20%

Assessment Criteria
The criteria for these quizzes are primarily knowledge-based, emphasising the student's ability to understand key concepts and identify the appropriate information to answer key questions.

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
Online

Submission Instructions
Complete and submit the quizzes on Moodle.

assessmentOutcome

- Discuss and reflect on general theories of Contract law that guide the analysis of contract principles, and understand their operation in context
- Explain the legal concepts and consequences of vitiating factors in contract law, and available remedies
- Explain how contracts are assigned, discharged or terminated, and available remedies

assessmentGradAttribute

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

2 Written assessment

Assessment Type
Written Assessment

Task Description
This assessment involves answering a problem-based question or questions. Your answer, which must cite appropriate legal principles and case law, will consist of an MS Word file with a maximum of 1,750 words (including footnotes). All submissions must include appropriate legal footnotes that are compliant with Australian Guide to Legal Referencing 4th edition. The file must be submitted online via Moodle.
Full details of the assessment and the submission process will be provided on the Moodle site.

Assessment Due Date
Week 8 Thursday (13 Jan 2022) 11:45 pm AEST

Submit via link on Moodle site.

Return Date to Students
Week 10 Friday (28 Jan 2022)

Weighting
30%

Assessment Criteria
This assessment will be graded according to the following marking criteria, which are a general guide:

- Knowledge of law, especially core concepts
- Effectiveness of research in acquiring such knowledge
- Correctness of referencing
- Analysis and critical thinking, including application of law to facts
- Logical and coherent presentation of arguments/analysis with appropriate structure
- Attention to the requirements of the question, including addressing the questions as specified and avoiding irrelevant diversions or regurgitation of law without any connection with the question or the analysis.

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
Online

Submission Instructions
Submit through link on Moodle site.

assessmentOutcome

- Analyse a contract to determine whether the elements of contract formation are present
- Analyse and interpret the express and implied provisions of a contract to determine its objective meaning
- Research and apply legal principles from statute and case law to the analysis of contractual disputes to demonstrate skills in communication, critical legal thinking, and reasoning.

assessmentGradAttribute

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

3 Learning Reflection

Assessment Type
Reflective Practice Assignment

Task Description
Students are to reflect on their a contribution to the Moodle discussion board or Zoom tutorial/s. These are short pieces which are evidence of the graduate learning outcomes of Communications Skills and Team Work. Total word count is 150-300 words.
Details of this assessment will be provided on the Moodle site early in the term.

Assessment Due Date
Week 12 Monday (7 Feb 2022) 11:45 pm AEST

Submit via link on Moodle site.

Return Date to Students

Two weeks from submission date.

Weighting
10%

Assessment Criteria
Through this assessment you are able to showcase your contributions to either the Zoom tutorials or the Moodle discussion board. It will be assessed on your writing skills, your interaction/communication with others (if any), and how successfully you reflect on your own learning in the subject.
You will not be marked on whether your responses to the tutorial problems were right or wrong. It is more important here to show that you are willing to contribute, assist others and reflect on your learning.

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
Online

Submission Instructions
Submit through link on Moodle site.

assessmentOutcome

- Discuss and reflect on general theories of Contract law that guide the analysis of contract principles, and understand their operation in context

assessmentGradAttribute

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

4 Take-Home Examination

Assessment Type
Take Home Exam

Task Description
The take-home examination will be set to take place in or around the standard examination week at the end of term. You will be advised of the exact date and time once the timetable for all law exams is published, which will be towards the end of the teaching weeks. The paper will be available during a specific time period and must be submitted (online via Moodle as an MS Word document) before the end of that time period. Like normal examinations, no extensions of time are allowed for a take-home examination.
The examination will include both problems and theoretical questions and will be designed to assess your learning of the unit as a whole. You will be given a little more information about the format of the examination on the Moodle site during the term.

Assessment Due Date

Return Date to Students

Marks will only be available on final certification of grades by the university.

Weighting
40%

Assessment Criteria
The following criteria will be relevant to the take-home examination:

- Knowledge of law, especially core concepts
- Where research (if any) is required, effectiveness of research in acquiring such knowledge
- Correctness of referencing to the standard required by the assessment (This will be specified in the guidance for the exam)
- Analysis and critical thinking, including application of law to facts and/or projecting possible fact scenarios arising from the law
- Logical and coherent presentation of arguments/analysis with appropriate structure
- Effective use of cases and/or hypothetical fact scenarios to illustrate legal reasoning
- Attention to the requirements of the question, including addressing the questions as specified and avoiding irrelevant diversions or regurgitation of law without any connection with the question or the analysis.

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
Online

assessmentOutcome

- Discuss and reflect on general theories of Contract law that guide the analysis of contract principles, and understand their operation in context
- Analyse a contract to determine whether the elements of contract formation are present
- Analyse and interpret the express and implied provisions of a contract to determine its objective meaning
- Explain the legal concepts and consequences of vitiating factors in contract law, and available remedies
- Explain how contracts are assigned, discharged or terminated, and available remedies
- Research and apply legal principles from statute and case law to the analysis of contractual disputes to demonstrate skills in communication, critical legal thinking, and reasoning.

assessmentGradAttribute

- 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