



LAWS11066 Contracts

Term 2 - 2022

Profile information current as at 16/04/2024 10:24 pm

All details in this unit profile for LAWS11066 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

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, including promissory estoppel. 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, 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 2 - 2022

- 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: 10%

2. **Written Assessment**

Weighting: 40%

3. **Take Home Exam**

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 SUTE T1/2022

Feedback

Contracts was an excellent course, it is a quite an intensive course however I do believe the workload was doable/reasonable within the weekly allocated time. I think Teams was very useful - it's far superior to Moodle forums in my opinion. It enabled much better interaction with students and the lecturer. I think the most important part of being successful in this course is the first few weeks of it. In particular, the skills building tasks, weekly tasks and the feedback which was provided.

Recommendation

The unit will continue the emphasis on Teams for general communication, skills building discussions, practice IRACs and feed-forward.

Feedback from SUTE T1/2022

Feedback

AJ is an excellent tutor who goes above and beyond to assist students. Her depth of knowledge and expertise is very impressive. The content is way too heavy for the time allocated.

Recommendation

The content is challenging in this unit, although we now have a 2-hour weekly tutorial rather than a 1-hour in order to provide additional lecturer contact time to discuss content. Students will continue to be advised that the unit requires good time management skills and keeping up with the reading from week 1 onwards.

Unit Learning Outcomes

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

1. Identify and discuss prerequisites and formal requirements for contracting, interpretation, performance and discharge of contracts, remedies for breach, and differentiate the various basic contract law theories.
2. Interpret contract law questions and dispute scenarios, implementing statute and case law to explain advice.
3. Interpret legal texts, databases, develop research strategies, locate appropriate legal authorities to discuss contract questions and problems.
4. Develop structured arguments to discuss and explain responses to contract problems, communicate effectively in writing.

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



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Written Assessment - 40%	•	•	•	•
2 - Take Home Exam - 50%	•	•	•	•
3 - Online Quiz(zes) - 10%	•			

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
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				

Textbooks and Resources

Textbooks

LAWS11066

Prescribed

An Introduction to the Law of Contract

Edition: 10th edn (2020)

Authors: Stephen Graw

Thomson Reuters

Pymont , 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>.

Both new paper texts and eBooks can be purchased at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

[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

AJ George Unit Coordinator

a.m.george@cqu.edu.au

Schedule

Week 1 - 11 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
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- 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** (pdf 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 (under Week 1 Tile)

Week 2 - 18 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Intention to Create Legal Relations • Skills Building 	<ul style="list-style-type: none"> • <i>Legal Knowledge</i> – Text, Chapter 5 ‘Intention to be bound’. • <i>Skills Building</i> – resources under the ‘Skills Building’ tile on Moodle for week 2. 	<ul style="list-style-type: none"> • Complete the skills building tasks for week 2 (under Skills Building Tile on Moodle) • Complete the tutorial work for week 2 (under Week 2 Tile)

Week 3 - 25 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Capacity to Contract 	<ul style="list-style-type: none"> • Text, Chapter 7, ‘Capacity to Contract’. 	<ul style="list-style-type: none"> • Complete the tutorial work for week 3 (under Week 3 Tile) • Start work on your written assessment

Week 4 - 01 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Offer and Acceptance 	<ul style="list-style-type: none"> • Text: <ul style="list-style-type: none"> ◦ 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, <i>Contract Law</i> (Oxford Publishing, 5th ed, 2018) pages 76-81. This text is available as an eBook in the CQU library, click HERE or HERE. 	<ul style="list-style-type: none"> • Complete the tutorial work for week 4 (under Week 4 Tile) • Continue work on your written assessment • Revise for your first quiz, due next week

Week 5 - 08 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Consideration and Estoppel 	<ul style="list-style-type: none"> • Text, Chapter 6, ‘Consideration’. 	<ul style="list-style-type: none"> • Complete the tutorial work for week 5 (under Week 5 Tile) • Continue work on your written assessment • SUBMIT ANSWERS TO THE FIRST QUIZ.

Vacation Week - 15 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
Vacation week	Vacation week	<ul style="list-style-type: none"> • Continue work on your written assessment

Week 6 - 22 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic

- Text, **Chapter 8**, 'Privity of Contract'.
- Text, **first half of Chapter 9**, 'Contents of a Contract'.
- ***Note: the Content and Construction topic is very resource-intensive, so split the readings and resources (incl videos) across weeks 6 and 7. See the weeks 6 and 7 tiles in Moodle for further information.**
- Doctrine of Privity, and
- (Make a Start on) Content & Construction of Contracts
- Complete the tutorial work for week 6 (under Week 6 Tile)
- **Continue work on your written assessment**

Week 7 - 29 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Content & Construction of Contracts 	<ul style="list-style-type: none"> • Text: <ul style="list-style-type: none"> ◦ Complete reading Chapter 9, 'Contents of a Contract'; and ◦ Chapter 10, 'Exempting, Excluding and Limiting Terms'.* *10.530-580 are optional only. • Case law: <i>Associated Newspapers Ltd v Bancks</i> (1951) 83 CLR 322. • Strongly recommended: Study guide 7A, the Australian Consumer Law (on Moodle). 	<ul style="list-style-type: none"> • Complete the tutorial work for week 7 (under Week 7 Tile) • Continue work on your written assessment

Week 8 - 05 Sep 2022

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Illegal and Void Contracts; and • The Doctrine of Mistake. 	<ul style="list-style-type: none"> • Text: <ul style="list-style-type: none"> ◦ Chapter 14, 'Illegal and void contracts'; and ◦ Chapter 11, 'Mistake'. 	<ul style="list-style-type: none"> • Complete the tutorial work for week 8 (under Week 8 Tile) • Continue work on your written assessment, due next week

Week 9 - 12 Sep 2022

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Misrepresentation; and • Misleading or Deceptive Conduct. 	<ul style="list-style-type: none"> • Text, Chapter 12, 'Misrepresentation'; and • John Carter, <i>Carter on Contract</i> (Lexis Advance Research, 2021), Chapter 21, 'Legislative Prohibition of Misleading or Deceptive Conduct'. <p>(You may need to use your CQU Library logon).</p>	<ul style="list-style-type: none"> • Complete the tutorial work for week 9 (under Week 9 Tile). • Submit written assignment <p>WRITTEN ASSESSMENT (40%) Due: Week 9 Monday (12 Sept 2022) 9:00 pm AEST</p>

Week 10 - 19 Sep 2022

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> The doctrines of: <ul style="list-style-type: none"> • Duress, • Undue Influence, • Unconscionable Conduct. 	<ul style="list-style-type: none"> • Text, Chapter 13, 'Duress, Undue Influence and Unconscionability'. 	<ul style="list-style-type: none"> • Revise for your second quiz, due week 11 • Complete the tutorial work for week 10 (under Week 10 Tile).

Week 11 - 26 Sep 2022

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Discharging a contract 	<ul style="list-style-type: none"> • Text, Chapter 15, 'Discharging a Contract'. 	<ul style="list-style-type: none"> • Complete the tutorial work for week 11 (under Week 11 Tile). • Start revision for the final take-home exam • SUBMIT ANSWERS TO THE SECOND QUIZ.

Week 12 - 03 Oct 2022

Module/Topic	Chapter	Events and Submissions/Topic

- Remedies

- Text, **Chapter 16**, 'Remedies'.

- Complete the tutorial work for week 12 (under Week 12 Tile).
- **Continue revision for the final take-home exam**

Review/Exam Week - 10 Oct 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

Exam Week - 17 Oct 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 ONLINE QUIZZES (10%)

Assessment Type

Online Quiz(zes)

Task Description

The first multiple choice 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 half a mark each (TOTAL 5 marks/5%).

The second multiple choice quiz is designed to give students an additional opportunity to assess their progress later in this subject. The quiz will consist of ten questions worth half a mark each (TOTAL 5 marks/5%).

Number of Quizzes

2

Frequency of Quizzes

Other

Assessment Due Date

FIRST quiz due FRIDAY 12 August 2022, 9PM AEST (week 5). SECOND quiz due FRIDAY 30 September 2022, 9PM AEST (week 11).

Return Date to Students

System will automatically advise you of your mark once the quiz has closed.

Weighting

10%

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.

Learning Outcomes Assessed

- Identify and discuss prerequisites and formal requirements for contracting, interpretation, performance and discharge of contracts, remedies for breach, and differentiate the various basic contract law theories.

2 WRITTEN ASSESSMENT (40%)

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. 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 9 Monday (12 Sept 2022) 9:00 pm AEST

Submit via link on Moodle site.

Return Date to Students

Generally a 2-week turnaround on providing marks and feedback to students.

Weighting

40%

Assessment Criteria

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 via link on Moodle site.

Learning Outcomes Assessed

- Identify and discuss prerequisites and formal requirements for contracting, interpretation, performance and discharge of contracts, remedies for breach, and differentiate the various basic contract law theories.
- Interpret contract law questions and dispute scenarios, implementing statute and case law to explain advice.
- Interpret legal texts, databases, develop research strategies, locate appropriate legal authorities to discuss contract questions and problems.
- Develop structured arguments to discuss and explain responses to contract problems, communicate effectively in writing.

3 TAKE HOME EXAM (50%)

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.

Please be sure to note the following for this unit's take-home exam paper:

- Submissions after the deadline has passed will not be accepted.
- Failure to submit by the deadline will result in a mark of zero for this assessment as the paper will not be marked.
- Extensions of time are not available for this take-home paper.
- Exam conditions apply to all take-home papers.

You will be given 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

50%

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

Submission Instructions

Submit via link on Moodle site.

Learning Outcomes Assessed

- Identify and discuss prerequisites and formal requirements for contracting, interpretation, performance and discharge of contracts, remedies for breach, and differentiate the various basic contract law theories.
- Interpret contract law questions and dispute scenarios, implementing statute and case law to explain advice.
- Interpret legal texts, databases, develop research strategies, locate appropriate legal authorities to discuss contract questions and problems.
- Develop structured arguments to discuss and explain responses to contract problems, communicate effectively in writing.

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