



LAWS11066 Contracts

Term 1 - 2024

Profile information current as at 30/04/2024 10:30 am

All details in this unit profile for LAWS11066 have been officially approved by CQU University 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 1 - 2024

- 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: 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 T1/2023

Feedback

Over and beyond. What a superstar honestly, AJ is so passionate and caring. She truly strives for accountability and responsibility and leads by example. The content for me was just too much and overwhelming for a 1st year subject. There is just not enough built up capability to do this subject however I acknowledge it is needed to continue on further subjects. Thank you for your passionate enthusiastic engagements AJ.

Recommendation

The unit is very heavy content-wise and students are advised at the beginning and regularly throughout term that they need to ensure they set aside the full 12 hours per week required to do the readings and tutorial work in order to pass. However, to address the challenges of the unit, I offer a 2-hour tutorial every week, plus drop-in sessions every week, plus formative problem answering practice on Teams every week as well. Assignment coaching sessions are also offered, as well as the Peer Assisted Study Sessions (PASS) mentoring. Students have a significant level of pastoral care in the unit, and a strong learning community which is facilitated on Teams.

Feedback from SUTE T2/2022

Feedback

AJ sets the standard for other lecturers high and I hope they live up to the challenge. She's by far the most engaging, motivating, encouraging and supportive lecturer I've had and she makes me want to keep studying. She's been in our corner backing us the entire way and she's made accommodations for us when we needed it like additional lectures and one on one chats. She's an asset to CQU.

Recommendation

Maintain the strong teacher presence in this unit with supportive pastoral care, extra student coaching sessions, drop in sessions. Emphasise the challenging nature of the unit and encourage students to maintain regularly scheduled study sessions and to take advantage of the PASS mentoring.

Feedback from SUTE T1/2023

Feedback

I found that the information given especially the IRAC tips and other documents made the assessment really confusing.

Recommendation

The teaching of IRAC for all first year units is being reviewed with a view to a more consistent approach. The IRAC tips document will be revised and expanded.

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 - 10%	•			
2 - Written Assessment - 40%	•	•	•	•
3 - Take Home Exam - 50%	•	•	•	•

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

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Camera and microphone for attending Zoom tutorials

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 - Overview, Principles and Theories - 04 Mar 2024

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none">• Theories of Contract Law• Legal Research and the Doctrine of Precedent• <i>Skills Building</i>	<ul style="list-style-type: none">• <i>Theories of Contract Law</i> - set resource: Jeannie Paterson, Andrew Roberts and Arlen Duke, <i>Principles of Contract Law</i> (Lawbook Co, 4th edition 2012), Chapters 1 and 2 (pdf on Moodle, under 'Week 1' tile).• <i>Basic Legal knowledge</i> - prescribed text: Stephen Graw, <i>An Introduction to the Law of Contract</i> (Lawbook Co, Thomson Reuters, 10th edition 2020) ('Text'), Chapters 1 and 2.• <i>Skills building</i>- resources under the 'Skills Building' tile on Moodle.	<ul style="list-style-type: none">• 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 - Intention to Create Legal Relations - 11 Mar 2024

Module/Topic	Chapter	Events and Submissions/Topic
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- 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 (under Week 2 Tile)

Week 3 - Capacity to Contract - 18 Mar 2024

Module/Topic	Chapter	Events and Submissions/Topic
• Capacity to Contract	• Text, Chapter 7 , ‘Capacity to Contract’.	• Complete the tutorial work for week 3 (under Week 3 Tile)

Week 4 - Offer and Acceptance - 25 Mar 2024

Module/Topic	Chapter	Events and Submissions/Topic
• 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) • Revise for your first quiz

Week 5 - Consideration and Estoppel - 01 Apr 2024

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

Mid-Term Break Week - 08 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic
Revision	Revision	• Start working on your mid-term paper

Week 6 - Doctrine of Privity - 15 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Doctrine of Privity, and • (Make a Start on) Content & Construction of Contracts 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Complete the tutorial work for week 6 (under Week 6 Tile) • Continue working on your mid-term paper

Week 7 - Content and Construction of Contracts - 22 Apr 2024

Module/Topic	Chapter	Events and Submissions/Topic

- Content & Construction of Contracts
 - Text:
 - **Complete reading 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 (under Week 7 Tile)
- **Finalise mid-term paper written assessment, due next week**

Week 8 - Illegal and Void Contracts and the Doctrine of Mistake - 29 Apr 2024

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) • SUBMIT WRITTEN ASSESSMENT <p>Problem question (40%) Due: Week 8 Friday (3 May 2024) 11:45 pm AEST</p>

Week 9 - Misrepresentation and Misleading and Deceptive Conduct - 06 May 2024

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'. 	<ul style="list-style-type: none"> • Complete the tutorial work for week 9 (under Week 9 Tile)

Week 10 - Duress, undue Influence and Unconscionable Conduct - 13 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
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 next week • Complete the tutorial work for week 10 (under Week 10 Tile)

Week 11 - Discharging a Contract - 20 May 2024

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 - Remedies - 27 May 2024

Module/Topic	Chapter	Events and Submissions/Topic
<ul style="list-style-type: none"> • Remedies 	<ul style="list-style-type: none"> • Text, Chapter 16, 'Remedies'. 	<ul style="list-style-type: none"> • Complete the tutorial work for week 12 (under Week 12 Tile) • Continue revision for the final take-home exam

Review/Exam Week - 03 Jun 2024

Module/Topic	Chapter	Events and Submissions/Topic

Exam Week - 10 Jun 2024

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 Quiz(zes) (5% + 5%)

Assessment Type

Written Assessment

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 half a mark each (TOTAL 5 marks/5%).

The second 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%).

Assessment Due Date

FIRST quiz due week 5, Friday 5 April 2024, 11.45 PM AEST. SECOND quiz due week 11, FRIDAY 24 May 2024, 11.45 PM AEST.

Return Date to Students

After closure of the quiz(zes).

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 online via link 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 Problem question (40%)

Assessment Type

Written Assessment

Task Description

This assessment involves answering a problem-based question or questions. Your answer, which must cite and apply 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. Professional presentation including spelling and grammar checks, and pagination, are required.

Full details of the assessment and the submission process will be provided on the Moodle site.

Assessment Due Date

Week 8 Friday (3 May 2024) 11:45 pm AEST

Complete and submit via link on Moodle.

Return Date to Students

Two weeks from due date.

Weighting

40%

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

Complete and submit via link 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.
- 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 **invigilated 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.

1. This invigilated take-home examination will be of **2.5 hours (150 minutes) duration**. Students should consult the Invigilated Take-home Examination Guidelines, College of Law, Criminology and Justice, available from the Laws Moodle site.
2. A requirement of these guidelines is that **students must obtain a student card** for verification purposes - see https://sportal.cqu.edu.au/__data/assets/pdf_file/0006/1113/Information-Sheet-Student-ID-Card-2017.pdf.
3. Students must also have access to a **reliable and adequate internet connection, and a computer, tablet, or laptop equipped with a working webcam, working microphone, Zoom installed and access to the unit Moodle site** via an Internet browser.
4. **No extensions** are permitted for invigilated take-home examinations.
5. Submissions after the deadline has passed will not be accepted and will receive a **mark of zero**.
6. Failure to attend the invigilated take-home examination will result in a **mark of zero**.
7. Exam conditions apply to all invigilated take-home examinations.

You will be given more information about the format of the invigilated take home examination on the Moodle site during the term.

Assessment Due Date

No date or time has been set. More information will be provided on Moodle closer to the date.

Return Date to Students

On release of grades.

Weighting

50%

Assessment Criteria

The following criteria will be relevant to the invigilated 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

Complete and submit via link 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.
- 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