



UNSW Course Outline

JURD7150 Principles of Private Law - 2024

Published on the 28 Jan 2024

General Course Information

Course Code : JURD7150

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

This course introduces students to the basic elements and principles of private law. It begins by looking at what the term private law means, the sources of private law and how the different areas of private law - especially property, contract, tort and unjust enrichment – relate to each

other.

The bulk of the course is spent on the topics of contract and property law. In both cases, the course provides an introduction to materials that are expanded upon in later subjects. With respect to contract law, this course covers the formation of contracts and the doctrine of privity. Several other elements of contract law are dealt with later in the curriculum in Contracts. With respect to property law, this course considers the boundaries of the concept of property, as well as several of the rules with respect to the creation, transfer and protection of property rights. Again several other elements of property law are dealt with later in Land Law, and to some extent also in Equity and Trusts.

The course also introduces students to two smaller topics: agency and equitable estoppel. As well as being closely related to contracts and property, these are two important areas of law for practicing lawyers.

Main Topics

The Domain of Private Law

- Private law, values and justice
- Private law and public law distinguished
- Origins and sources of private law
- The categories of private law

Contract

- Formation of contracts
- Offer and acceptance
- Intention to create legal relations
- Consideration
- Certainty of terms
- Privity
- Promissory estoppel

Property

- Definition of property
- Licences, contractual and otherwise
- New forms of property
- Definition of land
- Doctrine of fixtures
- Personal property

- Creation of property rights: original acquisition, voluntary/involuntary transfers
- The concept of possession of land and goods
- Bailment
- Torts of trespass, detinue and conversion
- Adverse possession/possessory title
- Formal requirements for the transfer of interests in land
- Proprietary estoppel

Agency

- Fundamental principles
- Distinction from other relationships, eg employment, sub-contract
- The formation and consequences of agency.

Course Aims

The course has two key aims:

- to explore the principles of private law primarily as they relate to consensual dealings, and
- to locate private law within the wider framework of Australian law.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Understand the basic principles and sources of private law, with a focus on contract law, property law, agency and equitable estoppel (PLOs 1, 4, 5, 6)
CLO2 : Apply these principles to hypothetical fact scenarios (PLOs 1,4, 5, 6, 9)
CLO3 : Demonstrate an awareness of the place of private law within the general landscape of Australian law, including the role of principles of justice in the development of legal rules (PLOs 1, 3, 5, 7, 8)
CLO4 : Examine the principles of private law critically in light of practical problems in the operation of the law, both alone and in co-operation with others (PLOs 1, 3, 7, 9, 10, 12)
CLO5 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1, 9, 10, 11)

Course Learning Outcomes	Assessment Item
CLO1 : Understand the basic principles and sources of private law, with a focus on contract law, property law, agency and equitable estoppel (PLOs 1, 4, 5, 6)	<ul style="list-style-type: none"> • Assignment • Class Participation • Final Invigilated Examination
CLO2 : Apply these principles to hypothetical fact scenarios (PLOs 1,4, 5, 6, 9)	<ul style="list-style-type: none"> • Assignment • Class Participation • Final Invigilated Examination
CLO3 : Demonstrate an awareness of the place of private law within the general landscape of Australian law, including the role of principles of justice in the development of legal rules (PLOs 1, 3, 5, 7, 8)	<ul style="list-style-type: none"> • Class Participation • Final Invigilated Examination
CLO4 : Examine the principles of private law critically in light of practical problems in the operation of the law, both alone and in co-operation with others (PLOs 1, 3, 7, 9, 10, 12)	<ul style="list-style-type: none"> • Class Participation • Final Invigilated Examination
CLO5 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1, 9, 10, 11)	<ul style="list-style-type: none"> • Class Participation

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Assignment Assessment Format: Individual	30%	Start Date: See Moodle Due Date: See Moodle
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable
Final Invigilated Examination Assessment Format: Individual	50%	Start Date: University Exam Period Due Date: University Exam Period

Assessment Details

Assignment

Assessment Overview

This assessment requires you to write in response to a problem question.

Course Learning Outcomes

- CL01 : Understand the basic principles and sources of private law, with a focus on contract law, property law, agency and equitable estoppel (PLOs 1, 4, 5, 6)
- CL02 : Apply these principles to hypothetical fact scenarios (PLOs 1,4, 5, 6, 9)

Detailed Assessment Description

The mid-term assignment will be made available in Week 4. The assignment will then be due in Week 6 (Flexibility Week). The mid-term assignment will be a problem question focusing on the contracts section of the course. Students will be provided with a 'fact scenario' that has been designed to match the legal (and sometimes 'non-legal') issues that the course is seeking to highlight. Students are required to identify the legally relevant facts, apply the applicable law and where appropriate discuss the availability of legal redress.

Assessment Length

1,500 words

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based activities.

Course Learning Outcomes

- CL01 : Understand the basic principles and sources of private law, with a focus on contract

law, property law, agency and equitable estoppel (PLOs 1, 4, 5, 6)

- CLO2 : Apply these principles to hypothetical fact scenarios (PLOs 1,4, 5, 6, 9)
- CLO3 : Demonstrate an awareness of the place of private law within the general landscape of Australian law, including the role of principles of justice in the development of legal rules (PLOs 1, 3, 5, 7, 8)
- CLO4 : Examine the principles of private law critically in light of practical problems in the operation of the law, both alone and in co-operation with others (PLOs 1, 3, 7, 9, 10, 12)
- CLO5 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1, 9, 10, 11)

Detailed Assessment Description

Class participation will be assessed based on participation in class (whether online or face-to-face). The aims of assessing class participation include:

- encouraging students to do the readings and prepare fully for class.
- encouraging students to learn, think, analyse, reflect and evaluate the materials prior to class and
- assisting students to develop the capacity to present oral arguments.

Your teacher may provide information in your first tutorial about the criteria she or he will use to assess class participation.

Final Invigilated Examination

Assessment Overview

This assessment requires you to complete an invigilated written examination that consists of a problem and essay question within the University examination period.

Course Learning Outcomes

- CLO1 : Understand the basic principles and sources of private law, with a focus on contract law, property law, agency and equitable estoppel (PLOs 1, 4, 5, 6)
- CLO2 : Apply these principles to hypothetical fact scenarios (PLOs 1,4, 5, 6, 9)
- CLO3 : Demonstrate an awareness of the place of private law within the general landscape of Australian law, including the role of principles of justice in the development of legal rules (PLOs 1, 3, 5, 7, 8)
- CLO4 : Examine the principles of private law critically in light of practical problems in the operation of the law, both alone and in co-operation with others (PLOs 1, 3, 7, 9, 10, 12)

Detailed Assessment Description

The third and final form of assessment will be the final exam, worth 50%. The exam will potentially cover all aspects of the course and will not be limited to content from weeks 5 to 10. The exam will be a two hour in-person on-campus invigilated exam

General Assessment Information

Grading Basis

Standard

Course Schedule

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

Prescribed texts

Andrew Robertson and Jeannie Paterson, *Contract: Cases and Materials* (Lawbook Co, 14th ed, 2020).

This is referred to in the Reading Guide as the 'Contracts Casebook'. You will need it for Weeks One to Four and then again in Week Nine.

Principles of Private Law: A Custom Publication for the University of New South Wales (LexisNexis, 2018).

This is referred to in the Reading Guide as the 'Custom Publication'. You will need this for Weeks Five to Ten.

Recommended Resources

Andrew Robertson and Jeannie Paterson, *Principles of Contract Law* (Lawbook Co, 6th ed, 2020).

This is referred to in the Reading Guide as the 'Contracts Textbook'.

The usual practice at UNSW is to minimise the number of prescribed books, so as to reduce

costs for students. In this course there are two prescribed texts, as well as a third that is highly recommended. While this is a larger number of books than usual, both of the contracts books will later be required for the subject Contracts. We have reduced the cost of a possible third book on property law by creating a custom publication that contains only the required materials.

We highly recommend that you purchase the Contracts Textbook now, as students have reported that they find it very useful for this course and you will also need it later for Contracts.

Course Evaluation and Development

Student feedback is gathered through the myExperience survey, as well as informally via teachers. The myExperience results are shared amongst the entire teaching team and we reflect on those results at the end of the term and at the commencement of the next term. Following recent feedback, we have reviewed the operation of the Online Modules and have provided a simpler way for students to track their completion of the modules through the term.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Simon Kozlina					Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this

course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.