



## UNSW Course Outline

# JURD7150 Principles of Private Law - 2024

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## General Course Information

**Course Code :** JURD7150

**Year :** 2024

**Term :** Term 3

**Teaching Period :** T3

**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"><li>• Class Participation</li><li>• Assignment</li><li>• Final Invigilated Examination</li></ul>
CLO2 : Apply these principles to hypothetical fact scenarios (PLOs 1,4, 5, 6, 9)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Assignment</li><li>• Final Invigilated Examination</li></ul>
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"><li>• Class Participation</li><li>• Final Invigilated Examination</li></ul>
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"><li>• Class Participation</li><li>• Final Invigilated Examination</li></ul>
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"><li>• Class Participation</li></ul>

## Learning and Teaching Technologies

Moodle - Learning Management System | Blackboard Collaborate

# Assessments

## Assessment Structure

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

## Assessment Details

### Class Participation

#### Assessment Overview

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

#### 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)

#### 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.

## Generative AI Permission Level

### No Assistance

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

## Assignment

### Assessment Overview

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

### 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)

### Detailed Assessment Description

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

## Generative AI Permission Level

### Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

## 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

### Generative AI Permission Level

#### No Assistance

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

## General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

### Grading Basis

Standard

# Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Online Activity	To be completed prior to class, see moodle for more information.
	Seminar	Agreement: offer
	Seminar	Agreement: acceptance
Week 2 : 16 September - 22 September	Seminar	Consideration: Part 1
	Seminar	Consideration: Part 2
	Online Activity	This online activity is a revision of offer, acceptance and consideration.
Week 3 : 23 September - 29 September	Seminar	Intention to Create Legal Relations
	Online Activity	This online activity is on certainty and intention to create legal relations.
	Seminar	Certainty
Week 4 : 30 September - 6 October	Seminar	Privity: Part 1
	Online Activity	There are two components to this online activity. The first is on privity, the second component is on legal writing.
	Seminar	Contracts revision
Week 5 : 7 October - 13 October	Online Activity	This online activity considers the meaning and elements of 'property'.
	Seminar	Licenses, third parties, numerus clausus
	Seminar	New property AND The extent of property rights / property rights and privacy
Week 6 : 14 October - 20 October	Other	Flexibility week - no classes
Week 7 : 21 October - 27 October	Seminar	The doctrine of fixtures
	Online Activity	The first part of this activity is a revision exercise. The second part is an introduction to the torts for the protection of goods.
	Seminar	Torts for the protection of goods (continued)
Week 8 : 28 October - 3 November	Seminar	Possession of land and adverse possession
	Online Activity	ownership of property rights revision exercise
	Seminar	Formal requirements for the transfer of land (continued) AND The interest of a purchaser under a binding sale agreement AND Part Performance
Week 9 : 4 November - 10 November	Online Activity	revision exercise
	Seminar	Equitable estoppel: Part 1
	Seminar	Equitable estoppel: Part 2
Week 10 : 11 November - 17 November	Online Activity	Revision of your understanding of equitable estoppel and its relationship to the law of contract, as well as an introduction to agency.
	Seminar	Agency
	Seminar	Course revision

## 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, 14<sup>th</sup> 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, 6<sup>th</sup> 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	Nicola Kozlina					Yes	Yes
	Weihuan Zhou					Yes	No

## 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.

### Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

### Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar

prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

## **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.