



UNSW Course Outline

JURD7325 Advanced Contract Law - 2024

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General Course Information

Course Code : JURD7325

Year : 2024

Term : Term 2

Teaching Period : T2

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 elective course, assumes and builds upon knowledge and understanding of basic contract law derived in particular from the course pre-requisites. It introduces students to some of the more sophisticated principles of contract law which are of particular relevance to the practical

use and application of contract law in the commercial world, including in particular conditionality of promises, dependency of promises, the various categories of breach and their effects, the various bases for termination of contracts, limits on the same and consequences of the same. Teaching is primarily by reference to a selected range of leading Australian and English appellate decisions, and supported by a series of handouts which set out and discuss the principles which are established and/or illustrated by those cases.

Course Aims

The aims of the course are to ensure that you are familiar with those principles, including their historical derivation and development, and able confidently to apply them to a wide variety of factual circumstances, including in particular those commonly arising in commercial disputes.

Course Learning Outcomes

| Course Learning Outcomes |
|--|
| CLO1 : Familiarity with and a sound understanding of the historical derivation and development of the above-mentioned principles of contract law (PLOs 1, 5, 6, 9 & 12) |
| CLO2 : Familiarity with and a sound understanding of the above-mentioned principles of contemporary contract law, and a range of leading cases which establish or illustrate the same (PLOs 1, 5, 6, 9 & 12) |
| CLO3 : An ability confidently to apply those principles to a wide variety of factual circumstances, including in particular those commonly arising in commercial disputes (PLOs 1, 5, 6, 9 & 12) |

| Course Learning Outcomes | Assessment Item |
|--|---|
| CLO1 : Familiarity with and a sound understanding of the historical derivation and development of the above-mentioned principles of contract law (PLOs 1, 5, 6, 9 & 12) | <ul style="list-style-type: none"> • Research Essay (3000-4000 words) • Class Participation • Exam |
| CLO2 : Familiarity with and a sound understanding of the above-mentioned principles of contemporary contract law, and a range of leading cases which establish or illustrate the same (PLOs 1, 5, 6, 9 & 12) | <ul style="list-style-type: none"> • Research Essay (3000-4000 words) • Class Participation • Exam |
| CLO3 : An ability confidently to apply those principles to a wide variety of factual circumstances, including in particular those commonly arising in commercial disputes (PLOs 1, 5, 6, 9 & 12) | <ul style="list-style-type: none"> • Research Essay (3000-4000 words) • Exam |

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

| Assessment Item | Weight | Relevant Dates |
|--|--------|---|
| Research Essay (3000-4000 words) Assessment Format: Individual Short Extension: Yes (2 days) | 40% | Start Date: Not Applicable Due Date: 08/07/2024 04:00 PM |
| Class Participation Assessment Format: Individual | 20% | |
| Exam Assessment Format: Individual | 40% | |

Assessment Details

Research Essay (3000-4000 words)

Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CL01 : Familiarity with and a sound understanding of the historical derivation and development of the above-mentioned principles of contract law (PLOs 1, 5, 6, 9 & 12)
- CL02 : Familiarity with and a sound understanding of the above-mentioned principles of contemporary contract law, and a range of leading cases which establish or illustrate the same (PLOs 1, 5, 6, 9 & 12)
- CL03 : An ability confidently to apply those principles to a wide variety of factual circumstances, including in particular those commonly arising in commercial disputes (PLOs 1, 5, 6, 9 & 12)

Detailed Assessment Description

You are required to write a research essay answering one of four question, at least one of which will include the option to engage in contract drafting.

Assessment Length

3,000-4,000 words

Class Participation

Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CL01 : Familiarity with and a sound understanding of the historical derivation and development of the above-mentioned principles of contract law (PLOs 1, 5, 6, 9 & 12)
- CL02 : Familiarity with and a sound understanding of the above-mentioned principles of contemporary contract law, and a range of leading cases which establish or illustrate the same (PLOs 1, 5, 6, 9 & 12)

Detailed Assessment Description

Class participation will be assessed throughout the term and you are expected to actively participate by making oral contributions in accordance with the guidance provided by your class teacher. In this course, some online work can also be considered for class participation purposes, as outlined by your class teacher during the term.

Assessable class participation is designed to:

- encourage preparation for class discussion;
- encourage students to learn, think, analyse, reflect and evaluate legal material prior to covering that content in class;
- assist students to develop the capacity to think clearly and to present oral arguments,
- using correct legal terminology; and
- to develop collaborative and group learning skills.

Exam

Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CL01 : Familiarity with and a sound understanding of the historical derivation and development of the above-mentioned principles of contract law (PLOs 1, 5, 6, 9 & 12)
- CL02 : Familiarity with and a sound understanding of the above-mentioned principles of contemporary contract law, and a range of leading cases which establish or illustrate the same (PLOs 1, 5, 6, 9 & 12)
- CL03 : An ability confidently to apply those principles to a wide variety of factual circumstances, including in particular those commonly arising in commercial disputes (PLOs 1, 5, 6, 9 & 12)

Detailed Assessment Description

This is an open-book, 7-day take-home exam held during the formal University exam period. You will need to write two essays. Each essay will be a response to one essay question. You will have five essay questions to choose from. Some of the essay question options include the opportunity to draft and critique contract clauses.

General Assessment Information

Grading Basis

Standard

Course Schedule

| Teaching Week/Module | Activity Type | Content |
|------------------------------|---------------|---|
| Week 1 : 27 May - 2 June | Seminar | Introductions Contract Law in an Electronic Age |
| Week 2 : 3 June - 9 June | Seminar | History of Contract Law Introduction to Drafting - termination clauses |
| Week 3 : 10 June - 16 June | Seminar | Enquiry Based Learning - Task 1 |
| Week 4 : 17 June - 23 June | Seminar | Enquiry Based Learning - Task 2 |
| Week 5 : 24 June - 30 June | Seminar | Enquiry Based Learning - Task 3 |
| Week 6 : 1 July - 7 July | Other | Flexibility Week - no classes |
| Week 7 : 8 July - 14 July | Seminar | The Trans/Lit Class (Transaction/Litigation - negotiation and mooting) Rights of Termination and Discharge |
| Week 8 : 15 July - 21 July | Seminar | Restrictions on Rights of Termination and Discharge Feminist Perspectives on Contract Law |
| Week 9 : 22 July - 28 July | Seminar | Good Faith and Rights of Termination |
| Week 10 : 29 July - 4 August | Seminar | Burger King v Hungry Jack's - Drafting Exercises |

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

This course uses a collection of readings provided via Moodle and Leganto. There is no

prescribed textbook.

Course Evaluation and Development

In response to student feedback, there is now more opportunity to engage in drafting exercises throughout the term.

Staff Details

| Position | Name | Email | Location | Phone | Availability | Equitable Learning Services Contact | Primary Contact |
|----------|---------------|-------|----------|-------|--------------|-------------------------------------|-----------------|
| | Simon Kozlina | | | | | No | 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.