UNSW Course Outline

LAWS8175 Foundations of Contract Law - 2024

Published on the 25 Aug 2024

General Course Information

Course Code : LAWS8175
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

<u>Useful Links</u>

<u>Handbook</u> <u>Class Timetable</u>

Course Details & Outcomes

Course Description

This course provides an introduction to the principles of contract law that apply in Australian and Common Law legal systems.   It focuses on understanding how legal agreements operate in a range of contexts, from corporate and commercial to family, employment and consumer law.

The course highlights both common law principles as well as key legislation such as consumer protection. The main topics covered in this course follow the lifecycle of contracts from formation through to interpretation, performance, breach, and remedies.

The focus of this course is to provide a comprehensive grounding to LLM students who have not undertaken legal study in a Common Law jurisdiction. Please note that this course is not intended to satisfy the requirements for admission to practice in Australia and cannot be used for credit in the LLB or Juris Doctor.

This course is not intended for students holding a Bachelor of Law or Juris Doctor qualification from an Australian or Common Law jurisdiction.

Relationship to Other Courses

This course is an introduction to many of the other fields of law you may choose to pursue during your LLM studies. This course will provide you with the necessary foundations of contract law to appreciate other areas of private law, by establishing a firm foundation in your understanding of various key areas of private law.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Interpret the concepts, principles and doctrines of contract law. (PLO1) (PLO2)
CLO2 : Apply the key principle and the doctrines of contract law in Australian and Common Law systems, including comparative analysis of principles in other jurisdictions. (PLO2) (PLO4)
CLO3 : Articulate complex legal concepts, policy considerations theory and analysis of issues related to Contracts in written forms using primary and secondary sources. (PLO1) (PLO2) (PLO3)
CLO4 : Communicate complex concepts of contract law in a scholarly and insightful manner (PLO1) (PLO3)

Course Learning Outcomes	Assessment Item
CLO1 : Interpret the concepts, principles and doctrines of contract law. (PLO1) (PLO2)	• Class Participation • Assessment • Exam
CLO2 : Apply the key principle and the doctrines of contract law in Australian and Common Law systems, including comparative analysis of principles in other jurisdictions. (PLO2) (PLO4)	• Class Participation • Assessment • Exam
CLO3 : Articulate complex legal concepts, policy considerations theory and analysis of issues related to Contracts in written forms using primary and secondary sources. (PLO1) (PLO2) (PLO3)	• Assessment • Exam
CLO4 : Communicate complex concepts of contract law in a scholarly and insightful manner (PLO1) (PLO3)	• Class Participation • Assessment

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable
Assessment Assessment Format: Individual	30%	Start Date: 23/09/2024 09:00 AM Due Date: 14/10/2024 09:00 AM
Exam Assessment Format: Individual	50%	Start Date: 04/11/2024 09:00 AM Due Date: 20/11/2024 09:00 AM

Assessment Details
Class Participation

Assessment Overview

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

Course Learning Outcomes

- CLO1 : Interpret the concepts, principles and doctrines of contract law. (PLO1) (PLO2)
- CLO2 : Apply the key principle and the doctrines of contract law in Australian and Common Law systems, including comparative analysis of principles in other jurisdictions. (PLO2) (PLO4)
- CLO4 : Communicate complex concepts of contract law in a scholarly and insightful manner (PLO1) (PLO3)

Generative AI Permission Level

Not Applicable

Generative AI is not considered to be of assistance to you in completing this assessment. If you do use generative AI in completing this assessment, you should attribute its use.

For more information on Generative AI and permitted use please see here.

Assessment

Assessment Overview

You will prepare a response to a given topic to demonstrate your understanding of key principles that you have learned in the course.

Course Learning Outcomes

- CLO1 : Interpret the concepts, principles and doctrines of contract law. (PLO1) (PLO2)
- CLO2 : Apply the key principle and the doctrines of contract law in Australian and Common Law systems, including comparative analysis of principles in other jurisdictions. (PLO2) (PLO4)
- CLO3 : Articulate complex legal concepts, policy considerations theory and analysis of issues related to Contracts in written forms using primary and secondary sources. (PLO1) (PLO2) (PLO3)
- CLO4 : Communicate complex concepts of contract law in a scholarly and insightful manner (PLO1) (PLO3)

Assessment Length

1500 words exclusive of footnotes and bIbiiography

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

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.

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 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.

Exam

Assessment Overview

This assessment requires you to complete a written examination.

Course Learning Outcomes

- CLO1 : Interpret the concepts, principles and doctrines of contract law. (PLO1) (PLO2)
- CLO2 : Apply the key principle and the doctrines of contract law in Australian and Common Law systems, including comparative analysis of principles in other jurisdictions. (PLO2)

(PLO4)

- CLO3 : Articulate complex legal concepts, policy considerations theory and analysis of issues related to Contracts in written forms using primary and secondary sources. (PLO1) (PLO2) (PLO3)

Assessment Length

2000 words exclusive of footnotes and bIbliography

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

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.

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General Assessment Information

<u>Grading Basis</u>

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.

General Schedule Information

The course schedule is published on the course Moodle page.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Lecturer	May Cheong		Room 319 Level 3, Faculty of Law & Justice		Please make appointment via email	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 Plagarism

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.