



## UNSW Course Outline

# JURD7175 Contracts - 2024

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## General Course Information

**Course Code :** JURD7175

**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

Contract Law is a core compulsory course, continuing the work completed in Principles of Private Law. Like tort law, contract law is one aspect of the law of obligations. Contract law is the study of legal obligations voluntarily assumed. The course focuses on understanding the nature, significance and operation of legal agreements in disparate contexts, varying from corporate to

commercial practice, and from family and consumer to employment law. Particular attention is placed on the decisions of appellate courts, and on key legislation such as relate to consumer law, unfair contracts and unconscionable dealings. The course also aims to provide future lawyers with the knowledge needed to negotiate, draft and interpret contractual documents.

## Main Topics

- Terms (including implied terms)
- Interpretation (including the parol evidence rule and exclusion clauses)
- Misrepresentation and misleading or deceptive conduct (including the Competition and Consumer Act 2010)
- Mistake, unconscionable dealing and other vitiating factors
- Frustration
- Performance, breach and termination of contracts
- Damages and rescission

## Course Aims

This course embraces the UNSW guidelines on learning. Students are encouraged to prepare for classes and to participate actively in them, to discuss the materials presented, to ask and answer relevant and challenging questions, to attempt to solve problems with the support of their teachers and peers, and to try to relate what they are learning to everyday life and to their own experiences. In this way students are actively engaged in the learning process.

However, as this course comes very early in the law curriculum, students are also given a very clear structure for learning, and are supported to work co-operatively to develop the reading, reasoning, writing and speaking skills required of any law graduate. The Program Learning Outcomes (PLOs) developed in Contracts are similar to those for Principles of Private Law and are identified below.

The prime objective of this course is to ensure that students gain a sound understanding of a number of basic principles of the law of contract together with some understanding of the associated remedies at common law and (to a lesser extent) in equity.

A second objective is to encourage students to understand the method of the common law. Since Contracts comes fairly early in the law course and involves examination of many judicial decisions, the course should help students to observe and learn the common law technique: determining to what extent precedent binds; differentiating ratio from obiter; adopting appropriate analogies; distinguishing between apparently similar factual situations; identifying the disguised leeway of choices in judicial decision; and developing new law (when required)

incrementally. Particular attention is placed on the decisions of appellate courts, and on key legislation such as relate to consumer law, unfair contracts and unconscionable dealings

A third objective is to stimulate students to examine the law of contract in a social context. This may involve comparing the economic and social conditions in which the principles were developed with present conditions; noting the interests protected in both theory and practice; observing any changes in the social function performed by the law of contract over time. Students should develop wider perspectives on existing legal doctrines.

Students are introduced to Contracts in Principles of Private Law, but will not have a proper framework in which to understand contract law until they have completed Contracts. These two compulsory courses provide a solid foundation in contract law, but are not comprehensive in their coverage of all relevant topics. The aim, rather, is to teach students to reason from first principles and to be able to identify relevant law and apply it intelligently to particular facts.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate awareness of principles of performance and breach in contract law (PLOs 3, 4 , 5 & 6)
CLO2 : Apply key principles of contract law to hypothetical fact scenarios (PLOs 1, 4, 5 & 8)
CLO3 : Evaluate and advise upon appropriate remedies in statute, common law and equity (PLOs 3, 4, 5, 6, 9, 10 & 12)
CLO4 : Evaluate the law of contract in different social contexts (PLOs 1, 5 & 8)
CLO5 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10, 11 & 12)
CLO6 : Develop skills in drafting contractual documents including memoranda, contract terms and their interpretation (PLOs 4, 6, 7, 9 & 12)
CLO7 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately in providing informed advice(PLOs 3, 5, 9, 10 & 11)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate awareness of principles of performance and breach in contract law (PLOs 3, 4 , 5 & 6)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• In-term Take-home Examination</li><li>• Final Invigilated Examination</li></ul>
CLO2 : Apply key principles of contract law to hypothetical fact scenarios (PLOs 1, 4, 5 & 8)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• In-term Take-home Examination</li><li>• Final Invigilated Examination</li></ul>
CLO3 : Evaluate and advise upon appropriate remedies in statute, common law and equity (PLOs 3, 4, 5, 6, 9, 10 & 12)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• In-term Take-home Examination</li><li>• Final Invigilated Examination</li></ul>
CLO4 : Evaluate the law of contract in different social contexts (PLOs 1, 5 & 8)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• In-term Take-home Examination</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 9, 10, 11 & 12)	<ul style="list-style-type: none"><li>• Class Participation</li></ul>
CLO6 : Develop skills in drafting contractual documents including memoranda, contract terms and their interpretation (PLOs 4, 6, 7, 9 & 12)	<ul style="list-style-type: none"><li>• In-term Take-home Examination</li><li>• Final Invigilated Examination</li></ul>
CLO7 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately in providing informed advice(PLOs 3, 5, 9, 10 & 11)	<ul style="list-style-type: none"><li>• In-term Take-home Examination</li><li>• Final Invigilated Examination</li></ul>

# Learning and Teaching Technologies

Moodle - Learning Management System | Echo 360

## Learning and Teaching in this course

In this course, you will receive informal feedback (individual and group) through participation in class activities, discussion of course material, completion of online modules and active problem solving. Individual feedback will be given in the mid-term assessment and more formal group feedback will be given on the mid-term assessment and on the final exam.

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable
In-term Take-home Examination Assessment Format: Individual	30%	Start Date: See Moodle Due Date: See Moodle
Final Invigilated Examination Assessment Format: Individual	50%	Start Date: Not Applicable Due Date: Not Applicable

## 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 : Demonstrate awareness of principles of performance and breach in contract law (PLOs 3, 4 , 5 & 6)
- CLO2 : Apply key principles of contract law to hypothetical fact scenarios (PLOs 1, 4, 5 & 8)
- CLO3 : Evaluate and advise upon appropriate remedies in statute, common law and equity (PLOs 3, 4, 5, 6, 9, 10 & 12)
- CLO4 : Evaluate the law of contract in different social contexts (PLOs 1, 5 & 8)
- CLO5 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10, 11 & 12)

#### Detailed Assessment Description

Class participation will be assessed throughout the term and you are expected to actively

participate in your classes (whether face-to-face or online) by making oral contributions in accordance with the guidance provided by your class teacher. 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.

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

## In-term Take-home Examination

### Assessment Overview

This assessment requires you to complete a take-home written assignment.

### Course Learning Outcomes

- CLO1 : Demonstrate awareness of principles of performance and breach in contract law (PLOs 3, 4 , 5 & 6)
- CLO2 : Apply key principles of contract law to hypothetical fact scenarios (PLOs 1, 4, 5 & 8)
- CLO3 : Evaluate and advise upon appropriate remedies in statute, common law and equity (PLOs 3, 4, 5, 6, 9, 10 & 12)
- CLO4 : Evaluate the law of contract in different social contexts (PLOs 1, 5 & 8)
- CLO6 : Develop skills in drafting contractual documents including memoranda, contract terms and their interpretation (PLOs 4, 6, 7, 9 & 12)
- CLO7 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately in providing informed advice(PLOs 3, 5, 9, 10 & 11)

### Detailed Assessment Description

The mid-term assessment will be posted on Moodle and must be submitted by you via the Turnitin Assessment submission link on Moodle. The assessment will require you to answer a legal problem question. The question is designed to address issues raised in the materials until the end of Week 4, to enable you to reflect critically on those issues, and to provide advice on the legal problem. Completion of the mid-term assessment is compulsory for you to be eligible to sit

for the final exam.

#### **Assignment submission Turnitin type**

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

### **Final Invigilated Examination**

#### **Assessment Overview**

This assessment requires you to complete an invigilated written examination within the University examination period.

#### **Course Learning Outcomes**

- CLO1 : Demonstrate awareness of principles of performance and breach in contract law (PLOs 3, 4 , 5 & 6)
- CLO2 : Apply key principles of contract law to hypothetical fact scenarios (PLOs 1, 4, 5 & 8)
- CLO3 : Evaluate and advise upon appropriate remedies in statute, common law and equity (PLOs 3, 4, 5, 6, 9, 10 & 12)
- CLO4 : Evaluate the law of contract in different social contexts (PLOs 1, 5 & 8)
- CL06 : Develop skills in drafting contractual documents including memoranda, contract terms and their interpretation (PLOs 4, 6, 7, 9 & 12)
- CLO7 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately in providing informed advice(PLOs 3, 5, 9, 10 & 11)

#### **Detailed Assessment Description**

Examinations have an important part to play in achieving the educational objectives of this course. The Contracts exam will require you to answer a legal problem question. This is designed to address all the materials covered in the course and enable you to provide advice on a real-life situation which raises contract law issues. You must prepare for examinations, understand the relationship between the various principles covered in this course, and be able to communicate their learning appropriately. An open book exam requiring you to solve problems – rather than merely recount knowledge – will assist us to assess whether and to what extent you have grasped and are able to apply in an integrated fashion all of the principles taught in Contracts. The exam wil be a two-hours invigilated written examination within the University examination period.

#### **Hurdle rules**

Completion of the mid-term assessment is compulsory for you to be eligible to sit for the final 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**

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

This is referred to in the Course Schedule and Reading Guide as the 'Casebook'.

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

This is referred to in the Course Schedule and Reading Guide as the 'Textbook'.

## **Recommended Resources**

Barnett and Harder, *Remedies in Australian Private Law*

Carter, *Carter's Guide to Australian Contract Law*

Carter, *Contract Law in Australia*

Cheong, *Australian Contract Law: Principles and Cases*

Clarke, Clarke and Zhou, *Contract Law, Commentaries, Cases and Perspectives*

Davis (ed), *Contract: General Principles - The Laws of Australia*

Radan, Gooley and Vickovich, *Principles of Australian Contract Law*

McKendrick and Liu, *McKendrick's Contract Law: Australian Edition*

Seddon and Ellinghaus, *Cheshire and Fifoot's Law of Contract*

Stewart, Swain and Fairweather, *Contract Law: Principles and Context*

Willmott, Christensen and Butler, *Contract Law*

Yin, Kozlina, Green, Siliquini-Cinelli, Laryea and Spagnolo, *Contract Law: Cases and Materials*

## Course Evaluation and Development

Course feedback in the past has been very positive. The course is regularly revised, taking into account feedback received from students, and teachers will continue to monitor and improve the course on that basis. Specifically, the structure and appearance of the course Moodle page has been significantly revised in line with the University's broader changes to Moodle this year to respond to student feedback about the course's online environment.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	May Cheong		Room 364, Level 3, Faculty of Law and Justice	+ 612 9348 1639	Tuesday and Thursday only	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.