



## COURSE OUTLINE

# LAW204 Contracts B

**Course Coordinator:** David Wise (dwise@usc.edu.au) **School:** School of Law and Society

2021 | Semester 2

USC Sunshine Coast

ON CAMPUS

Most of your course is on campus but you may be able to do some components of this course online.

*Please go to the USC website for up to date information on the teaching sessions and campuses where this course is usually offered.*

## 1. What is this course about?

### 1.1. Description

Contracts B completes your studies in the Australian law of contract. In this course you will consider rules concerning performance, termination and remedies for breach and you will examine a range of factors that may impact on the enforceability of a contract. One of the themes we explore is the encroachment on freedom of contract by principles of justice and fair dealing as developed by the courts of equity and latterly, and increasingly, by Parliaments. You will continue to develop your skills of case reading and analysis and your skills of statutory interpretation.

### 1.2. How will this course be delivered?

ACTIVITY	HOURS	BEGINNING WEEK	FREQUENCY
ON CAMPUS			
<b>Tutorial/Workshop 1</b> – On campus tutorial - 1 hour in weeks 2-6 and 8-13.	1hr	Week 2	11 times
<b>Lecture</b> – On campus lecture - 2 hours in weeks 1-6 and 8-13.	2hrs	Week 1	12 times

### 1.3. Course Topics

Misleading & Deceptive Conduct  
Misrepresentation  
Mistake and non est factum  
Duress and Undue Influence  
Unconscionable conduct  
Unfair Contract Terms  
Illegality  
Discharge by Performance  
Termination for Breach or Repudiation  
Termination by Agreement or by Frustration  
Damages for Breach  
Specific Performance, Restitution & Injunctions

## 2. What level is this course?

200 Level (Developing)

Building on and expanding the scope of introductory knowledge and skills, developing breadth or depth and applying knowledge and skills in a new context. May require pre-requisites where discipline specific introductory knowledge or skills is necessary. Normally, undertaken in the second or third full-time year of an undergraduate programs.

## 3. What is the unit value of this course?

12 units

## 4. How does this course contribute to my learning?

COURSE LEARNING OUTCOMES	GRADUATE QUALITIES
On successful completion of this course, you should be able to...	Completing these tasks successfully will contribute to you becoming...
1 Analyse facts to identify legal issues raised by those facts.	Empowered
2 Explain the correct principle(s) of law to resolve a factual problem.	Knowledgeable
3 Apply skills of legal reasoning utilising case law and statute and knowledge of Australian contract law to resolve contract disputes based on theoretical propositions and real world fact scenarios	Empowered
4 Apply skills of communicating complex legal matters in plain English	Empowered

## 5. Am I eligible to enrol in this course?

Refer to the [USC Glossary of terms](#) for definitions of “pre-requisites, co-requisites and anti-requisites”.

### 5.1. Pre-requisites

(LAW203 and enrolled in any Law Program except AR391) or

### 5.2. Co-requisites

LAW102 and enrolled in AR391

### 5.3. Anti-requisites

Not applicable

### 5.4. Specific assumed prior knowledge and skills (where applicable)

Not applicable

## 6. How am I going to be assessed?

### 6.1. Grading Scale

Standard Grading (GRD)

High Distinction (HD), Distinction (DN), Credit (CR), Pass (PS), Fail (FL).

### 6.2. Details of early feedback on progress

Early feedback on progress is available in weekly hands-on tutorials, where students have an opportunity to present (and receive feedback on) responses to hypothetical advice scenarios and discussion questions.

6.3. Assessment tasks

DELIVERY MODE	TASK NO.	ASSESSMENT PRODUCT	INDIVIDUAL OR GROUP	WEIGHTING %	WHAT IS THE DURATION / LENGTH?	WHEN SHOULD I SUBMIT?	WHERE SHOULD I SUBMIT IT?
All	1	Quiz/zes	Individual	15%	15 mins each	Throughout teaching period (refer to Format)	Online Test (Quiz)
All	2	Written Piece	Individual	35%	1800 words	Week 10	Online Assignment Submission with plagiarism check
All	3	Examination - Centrally Scheduled	Individual	50%	2 hours plus 30 minutes preparation time	Exam Period	Exam Venue

All - Assessment Task 1: Quiz

<b>GOAL:</b>	The goal of this assessment is to assess your ability to engage in legal analysis of simple fact scenarios based on your understanding of the legal principles governing contract law.		
<b>PRODUCT:</b>	Quiz/zes		
<b>FORMAT:</b>	Blackboard Quizzes. You will have the opportunity to complete up to six quizzes, and of these, the three quizzes you score highest in will be counted towards your mark for this assessment. Each of these quizzes is worth a maximum of 5% of your final grade. Quizzes are generally open for a period of 24 hours and are to be completed prior to commencement of the tutorial covering the material. Ordinarily, the quizzes will be open for completion from 8am on the day prior to your scheduled tutorial and will remain open until 8am the following day. Ordinarily quizzes will be conducted in weeks 4-6 and 9-11. Any alteration will be posted on Blackboard.		
<b>CRITERIA:</b>	<b>No.</b>		<b>Learning Outcome assessed</b>
	1	Demonstrates a capacity to identify legal issues	1
	2	Applies principles derived from case law and/or statute to provide appropriate legal advice by selecting the most appropriate response	1 2 3 4
	3	Where relevant, demonstrates an understanding of the wider principles of contract law	3 4

All - Assessment Task 2: Contract law assignment

<b>GOAL:</b>	The goal of this assignment is to assess your understanding of the interplay between the theory and practice of contract law, including in the evaluation of reform options and the interplay between common law, equity, and statute.		
<b>PRODUCT:</b>	Written Piece		
<b>FORMAT:</b>	This is an individual assessment of 1800 words (excl. footnotes and bibliography)		
<b>CRITERIA:</b>	<b>No.</b>		<b>Learning Outcome assessed</b>
	1	exploration of relevant legal, policy and theoretical issues in a principled manner	1 2 3
	2	supported, reasoned and balanced legal analysis and argument	4
	3	knowledge and understanding of principles and rationales underpinning contract law, including comparative differences and evaluation of options for reform	3 4
	4	presentation, referencing, structure and writing	4

### All - Assessment Task 3: Open book examination

<b>GOAL:</b>	The goal of the examination is to assess your understanding of the rules of contract in relation to performance, breach and remedies and to assess your capacity to apply that understanding to new fact scenarios.		
<b>PRODUCT:</b>	Examination - Centrally Scheduled		
<b>FORMAT:</b>	This is an individual assessment. You will have two hours plus 30 minutes preparation time to complete the assessment. You may use any materials to construct an answer to two unseen legal problems drawn from any part of the course.		
<b>CRITERIA:</b>	<b>No.</b>		<b>Learning Outcome assessed</b>
	1	Correct identification of legal issues, statute and case law appropriate to resolve issues	1 2
	2	able to organise an answer that demonstrates the skill of legal analysis.	3 4

## 7. Directed study hours

A 12-unit course will have total of 150 learning hours which will include directed study hours (including online if required), self-directed learning and completion of assessable tasks. Directed study hours may vary by location. Student workload is calculated at 12.5 learning hours per one unit.

## 8. What resources do I need to undertake this course?

Please note: Course information, including specific information of recommended readings, learning activities, resources, weekly readings, etc. are available on the course Blackboard site– Please log in as soon as possible.

### 8.1. Prescribed text(s) or course reader

Please note that you need to have regular access to the resource(s) listed below. Resources may be required or recommended.

REQUIRED?	AUTHOR	YEAR	TITLE	PUBLISHER
Required	Willmott, Christensen, Butler, Dixon [Casebook]	2018	Contract Law Casebook	Oxford University Press
Required	Willmott, Christensen, Butler, Dixon [WCBD]	2018	Contract Law	Oxford University Press

### 8.2. Specific requirements

Not applicable

## 9. How are risks managed in this course?

Health and safety risks for this course have been assessed as low. It is your responsibility to review course material, search online, discuss with lecturers and peers and understand the health and safety risks associated with your specific course of study and to familiarise yourself with the University's general health and safety principles by reviewing the [online induction training for students](#), and following the instructions of the University staff.

## 10. What administrative information is relevant to this course?

### 10.1. Assessment: Academic Integrity

Academic integrity is the ethical standard of university participation. It ensures that students graduate as a result of proving they are competent in their discipline. This is integral in maintaining the value of academic qualifications. Each industry has expectations and standards of the skills and knowledge within that discipline and these are reflected in assessment.

Academic integrity means that you do not engage in any activity that is considered to be academic fraud; including plagiarism, collusion or outsourcing any part of any assessment item to any other person. You are expected to be honest and ethical by completing all work yourself and indicating in your work which ideas and information were developed by you and which were taken from others. You cannot provide your assessment work to others. You are also expected to provide evidence of wide and critical reading, usually by using appropriate academic references.

In order to minimise incidents of academic fraud, this course may require that some of its assessment tasks, when submitted to Blackboard, are electronically checked through SafeAssign. This software allows for text comparisons to be made between your submitted assessment item and all other work that SafeAssign has access to.

## 10.2. Assessment: Additional Requirements

### Eligibility for Supplementary Assessment

Your eligibility for supplementary assessment in a course is dependent of the following conditions applying:

The final mark is in the percentage range 47% to 49.4%

The course is graded using the Standard Grading scale

You have not failed an assessment task in the course due to academic misconduct

## 10.3. Assessment: Submission penalties

Late submission of assessment tasks may be penalised at the following maximum rate:

- 5% (of the assessment task's identified value) per day for the first two days from the date identified as the due date for the assessment task.

- 10% (of the assessment task's identified value) for the third day - 20% (of the assessment task's identified value) for the fourth day and subsequent days up to and including seven days from the date identified as the due date for the assessment task.

- A result of zero is awarded for an assessment task submitted after seven days from the date identified as the due date for the assessment task. Weekdays and weekends are included in the calculation of days late. To request an extension you must contact your course coordinator to negotiate an outcome.

## 10.4. Study help

For help with course-specific advice, for example what information to include in your assessment, you should first contact your tutor, then your course coordinator, if needed.

If you require additional assistance, the Learning Advisers are trained professionals who are ready to help you develop a wide range of academic skills. Visit the [Learning Advisers](#) web page for more information, or contact Student Central for further assistance: +61 7 5430 2890 or [studentcentral@usc.edu.au](mailto:studentcentral@usc.edu.au).

## 10.5. Wellbeing Services

Student Wellbeing provide free and confidential counselling on a wide range of personal, academic, social and psychological matters, to foster positive mental health and wellbeing for your academic success.

To book a confidential appointment go to [Student Hub](#), email [studentwellbeing@usc.edu.au](mailto:studentwellbeing@usc.edu.au) or call 07 5430 1226.

## 10.6. AccessAbility Services

Ability Advisers ensure equal access to all aspects of university life. If your studies are affected by a disability, learning disorder mental health issue, , injury or illness, or you are a primary carer for someone with a disability or who is considered frail and aged, [AccessAbility Services](#) can provide access to appropriate reasonable adjustments and practical advice about the support and facilities available to you throughout the University.

To book a confidential appointment go to [Student Hub](#), email [AccessAbility@usc.edu.au](mailto:AccessAbility@usc.edu.au) or call 07 5430 2890.

## 10.7. Links to relevant University policy and procedures

For more information on Academic Learning & Teaching categories including:

- Assessment: Courses and Coursework Programs
- Review of Assessment and Final Grades
- Supplementary Assessment
- Administration of Central Examinations
- Deferred Examinations
- Student Academic Misconduct
- Students with a Disability

Visit the USC website: <http://www.usc.edu.au/explore/policies-and-procedures#academic-learning-and-teaching>

## 10.8. General Enquiries

### In person:

- **USC Sunshine Coast** - Student Central, Ground Floor, Building C, 90 Sippy Downs Drive, Sippy Downs
- **USC Moreton Bay** - Service Centre, Ground Floor, Foundation Building, Gympie Road, Petrie
- **USC SouthBank** - Student Central, Building A4 (SW1), 52 Merivale Street, South Brisbane
- **USC Gympie** - Student Central, 71 Cartwright Road, Gympie
- **USC Fraser Coast** - Student Central, Student Central, Building A, 161 Old Maryborough Rd, Hervey Bay
- **USC Caboolture** - Student Central, Level 1 Building J, Cnr Manley and Tallon Street, Caboolture

**Tel:** +61 7 5430 2890

**Email:** [studentcentral@usc.edu.au](mailto:studentcentral@usc.edu.au)