



The University of Southern Queensland

Course specification

The current and official versions of the course specifications are available on the web at <http://www.usq.edu.au/coursespecification/current>.
Please consult the web for updates that may occur during the year.

Description: Advanced Contract B

| Subject | Cat-nbr | Class | Term | Mode | Units | Campus |
|---------|---------|-------|---------|------|-------|-----------|
| LAW | 5602 | 79341 | 2, 2008 | EXT | 1.00 | Toowoomba |

| | |
|-----------------------------------|--------|
| Academic group: | FOBUS |
| Academic org: | FOB010 |
| Student contribution band: | 3 |
| ASCED code: | 090900 |

STAFFING

Examiner: Des Taylor
Moderator: Noeleen McNamara

REQUISITES

Pre-requisite: LAW5601

OTHER REQUISITES

Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

SYNOPSIS

This course continues to expand the knowledge of the vital area of contract law. This course will build upon the understanding of the principles of the law of contract gained in Contract A. Specifically the aim of this course is to equip students with the knowledge of the manner in which contracts are interpreted, the manner in which contracts may be performed or discharged and the legal remedies available in the event of a the breach or non performance of a contract. Students will develop their research skills.

OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item/s that may be used to assess student achievement of an objective is/are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. apply general policies underlying the law of contract in Australia in order to evaluate those laws, in particular for the topics considered in this course (Assignment, Examination)
2. research primary law materials and secondary materials (as relevant) while critically reviewing an issue in law relevant to the topics considered in this course (Assignment, Examination)

3. explain the legal principles relevant to the topics considered in this course (Assignment, Examination)
4. apply such legal principles to given fact situations in order to determine the likely outcome to issues raised (Assignment, Examination)
5. demonstrate satisfactory communication skills (Assignment, Examination).

TOPICS

| | Description | Weighting (%) |
|----|--|---------------|
| 1. | Vitiating factors | 25.00 |
| 2. | Performance and discharge of a contract | 20.00 |
| 3. | Remedies for non-performance of a contract | 25.00 |
| 4. | Statutory regulation of contracts (Sale of Goods Act, Trade Practices Act, Fair Trading Act and other legislation) | 30.00 |

TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

LEGISLATION: Trade Practices Act, 1974 (Cth); Fair Trading Act, 1989 (Qld); Sale of Goods Act, 1898 (Qld) - latest editions are required. Legislation can be purchased through the commercial publishers, or the Government Printer, or downloaded from <<http://www.legislation.qld.gov.au>> or <<http://www.austlii.edu.au>>.

Carter, JW 2006, *Carter's guide to Australian contract law*, LexisNexis, Sydney, New South Wales.

Carter, JW, Peden, E & Tolhurst, GJ 2007, *Cases and materials on contract law in Australia*, 5th edn, LexisNexis Butterworths, Chatswood, New South Wales.

REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

CCH Electronic Libraries [electronic database]: Australian Contract Law - accessible via USQ Library Database Services at <http://www.usq.edu.au/library/eservices/ezp_cch.htm>.

LexisNexis AU: Journal of Contract Law [electronic database] - accessible via USQ Library Database Services at <http://www.usq.edu.au/library/eservices/ezp_lexis_nexis.htm>.

Cusumano, S, Wiseman, L & Christensen, S 2005, *Contracts*, 3rd edn, LexisNexis Butterworths, Sydney, New South Wales.

Graw, S 2004, *An introduction to the law of contract*, 5th edn, Lawbook Co, Pyrmont, New South Wales.

STUDENT WORKLOAD REQUIREMENTS

| ACTIVITY | HOURS |
|----------------|-------|
| Assessments | 45.00 |
| Directed Study | 50.00 |
| Private Study | 80.00 |

ASSESSMENT DETAILS

| Description | Marks out of | Wtg (%) | Due date |
|------------------------------|--------------|---------|------------------------|
| ASSIGNMENT | 30.00 | 30.00 | 12 Sep 2008 |
| PART A OF 2-HOUR EXAMINATION | 30.00 | 30.00 | END S2 (see note 1) |
| PART B OF 2-HOUR EXAMINATION | 40.00 | 40.00 | END S2 |

NOTES

1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
If you are an international student in Australia, you are advised to attend all classes at your campus. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:
To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)
- 3 Penalties for late submission of required work:
If students submit assignments after the due date without prior approval of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.
- 4 Requirements for student to be awarded a passing grade in the course:
To be assured of receiving a passing grade a student must achieve at least 50% of the total weighted marks available for the course.
- 5 Method used to combine assessment results to attain final grade:
The final grades for students will be assigned on the basis of the aggregate of the weighted marks obtained for each of the summative assessment items in the course.
- 6 Examination information:

This is a restricted examination. Students may take any written materials (non-electronic) such as text books, the study book and personal study notes (typed or handwritten) into the examination room. Electronic devices, such as laptops, mobile phones, etc are not permitted.

- 7 Examination period when Deferred/Supplementary examinations will be held:
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:
Students should read USQ Regulations 5.1 Definitions, 5.6 Assessment, and 5.10 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Policies and Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.