



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 A

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	5601	87074	1, 2009	ONC	1.00	Springfield

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	090900

### STAFFING

Examiner: Noeleen McNamara  
Moderator: Liam Scott

### REQUISITES

Pre-requisite or Co-requisite: LAW5501

### 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/ict/students/standards/default.htm>.

### SYNOPSIS

The law of contract is the basis of all commercial transactions. Students will gain a broad theoretical understanding of the basis of the law of contract. Specifically the aim of this course is to equip students with the knowledge of the legal requirements for concluding contracts, the capacity of parties to enter in to contracts and the required content of a legally enforceable 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)
6. demonstrate an understanding of emerging areas of contract law including restitution and the need for law reform in contract law (Assignment, Examination).

## TOPICS

Description	Weighting (%)
1. Introduction to the law of contract	5.00
2. Formation of contract	30.00
3. Parties to the contract including privity and assignment	10.00
4. Vitiating factors	30.00
5. Contents and interpretation of contracts	25.00

## 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).

LAW5601 study package available from the USQ Bookshop.

Butt, P (ed) 2004, *Concise Australian legal dictionary*, 3rd edn, LexisNexis Butterworths, Chatswood, New South Wales.

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.

Holm, E 2009, *A contract law workbook*, Lawbook Co, Pymont, 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.

The following electronic databases are available through the USQ Library Homepage (go to Access All Databases and follow the link to each one): CCH Australian Contract Law (in CCH Electronic Libraries); Journal of Contract Law (in LexisNexis ALL).

Butler, D 2005, *Butterworths questions and answers - contract law*, 2nd edn, LexisNexis Butterworths, Chatswood, New South Wales.

Carter, JW, Peden, E & Tolhurst, GJ 2007, *Contract law in Australia*, 5th edn, LexisNexis Butterworths, Chatswood, New South Wales.

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

Davis, JLR (ed) 2006, *Contract: general principles: the laws of Australia*, 2nd edn, Thomson Lawbook Co, Pyrmont, New South Wales.

Gooley, J & Radan, P 2006, *Principles of Australian contract law*, LexisNexis Butterworths, Chatswood, New South Wales.

Graw, S 2008, *An introduction to the law of contract*, 6th edn, Lawbook Co, Pyrmont, New South Wales.

Khoury, D & Yamouni, YS 2007, *Understanding contract law*, 7th edn, LexisNexis Butterworths, Chatswood, New South Wales.

Monahan, G & Carr-Gregg, S 2007, *Essential contract law*, 3rd edn, Routledge-Cavendish, Abingdon, Oxon, UK.

Willmott, L, Christensen, S & Butler, D 2005, *Contract law*, 2nd edn, Oxford University Press, South Melbourne, Victoria.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessments	45.00
Directed Study	50.00
Lectures and Tutorials	44.00
Private Study	36.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date
ASSIGNMENT	30.00	30.00	20 Apr 2009
EXAM A MULTI-CHOICE QUESTIONS	30.00	30.00	END S1 (see note 1)
EXAM B PROBLEM QUESTIONS	40.00	40.00	END S1

### 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 for exam (parts A and B) after the timetable has been finalised. The total working time for exam (parts A and B) is 2 hours.

## IMPORTANT ASSESSMENT INFORMATION

### 1 Attendance requirements:

It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and 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 an open examination. Candidates may have access to any printed or written material and a calculator during the examination. In line with regulation 5.6.4.2 'Use of Electronic Devices during Examinations', laptop and notebook computers 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>.

## **OTHER REQUIREMENTS**

- 1 Computer, e-mail and Internet access: 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/ict/students/standards/default.htm>.
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