



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	91119	2, 2009	EXT	1.00	Toowoomba

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	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 UConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.htm>.

### SYNOPSIS

This course continues to expand the students' knowledge of contract law. This course will build upon the understanding of the principles of the law of contract gained in LAW5601. Specifically the aim of this LAW5602 course is to equip students with further contract law knowledge, in particular that concerning statutory vitiating factors, the manner in which contracts may be performed and discharged, the legal remedies available in the event of a breach or non-performance of a contract, and the other impact of aspects of various statutes on contracts. Students will further develop their research skills.

### OBJECTIVES

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
2. demonstrate academic and professional literary skills by locating and analysing primary law materials
3. explain the legal principles relevant to the topics considered in this course
4. apply such legal principles to given fact situations in order to determine the likely outcome to issues raised

5. demonstrate satisfactory communication skills
6. demonstrate problem-solving skills appropriate to contract law by completing case-based law questions.

## TOPICS

Description	Weighting (%)
1. Statutory 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	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.

Holm, E 2009, *A contract law workbook*, Lawbook Co, Pyrmont, 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 Online [electronic database]: Australian Contract Law - accessible via USQ Library Database Services at <<http://resguide.usq.edu.au/index.php?type=databases&route=direct&ID=28>>.

LexisNexis AU: Journal of Contract Law, Carter on Contract [electronic database] - accessible via USQ Library Database Services at <<http://resguide.usq.edu.au/index.php?type=databases&route=direct&ID=76>>.

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

Graw, S 2008, *An introduction to the law of contract*, 6th edn, Lawbook Co, Rozelle, 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	Objectives assessed	Graduate skill	Level assessed
ASSIGNMENT	30.00	30.00	21 Aug 2009	All		
EXAMINATION - PART A	30.00	30.00	END S2 (see note 1)	All		
EXAMINATION - PART B	40.00	40.00	END S2	All		

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

## 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 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 Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

## **ASSESSMENT NOTES**

- 1 Referencing in assignments: Students studying this course as part of a Juris Doctor must use the Australian Guide to Legal Citation (AGLC) style. Students who are not enrolled in the Juris Doctor may use either Harvard (AGPS) or the Australian Guide to Legal Citation (AGLC) in their assignments to format details of the information sources they have cited in their work. For AGLC style guide enquiries, consult the AGLC manual from the USQ Library's referencing guide at <http://www.usq.edu.au/library/help/referencing/default.htm>, or contact the Law librarian. The Harvard (AGPS) style to be used is defined by the USQ Library's referencing guide at <http://www.usq.edu.au/library/help/referencing/default.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 UConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.htm>.
-