

LAWS 7047 CONTRACTS

Credit Points 10

Legacy Code 201048

Coordinator Elen Seymour ([https://directory.westernsydney.edu.au/search/name/Elen Seymour/](https://directory.westernsydney.edu.au/search/name/Elen%20Seymour/))

Description This unit deals with legal principles related to the development and application of contract law with an awareness of broader political, social, economic, cultural and ethical considerations. Contracts covers the formation of contracts, the requirement of writing, privity of contract, contractual terms and their interpretation, breach of contract, discharge of contractual obligations and elements vitiating its formation such as misrepresentation, misleading and deceptive conduct, mistake, undue influence, unconscionability, duress and discharge. Statutory developments are also considered such as the Contracts Review Act 1980 (NSW) and the Australian Consumer Law, as are the historic and theoretical aspects of the development of the law of contract. Students will collaborate in problem/case-based learning, engage with online learning materials, and participate in a Moot and viva voce to develop knowledge and skills in authentic ways.

School Law

Student Contribution Band HECS Band 4 10cp

Level Postgraduate Coursework Level 7 subject

Co-requisite(s) LAWS 7056

Restrictions

Students must be enrolled in a postgraduate program.

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Examine legal principles relevant to the development and application of contract law within a broad political, social, economic, cultural and ethical perspective;
2. Analyse contract law concepts and problems by reference to appropriate primary and secondary legal authorities and resources which take account of a diversity of perspectives;
3. Construct solutions to legal problems that demonstrate deep comprehension of contract law;
4. Present persuasive solutions to contract law problems.

Subject Content

- formation: capacity, Offer and Acceptance, Intention, consideration
- uncertain agreements and Contingent conditions precedent
- formalities
- parties
- Privity of Contract
- terms: Express, construction of terms, implied, Exemption Clauses, third party rights and obligations, Assignment
- Vitiating Factors: Misrepresentation, Mistake, Duress, Undue influence, Unconscientious conduct
- Restraint of trade
- Illegality
- statutory Developments
- performance and Breach
- discharge by agreement, Frustration, Breach, other forms
- relationship to equity, Tort and Restitution

- Remedies: Damages, specific performance, Injunctions, Equitable Damages and compensation, Rectification, Rescission

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Item	Length	Percent	Threshold	Individual/Group Task
Reflective Critique	1,000 words	15	N	Individual
Viva Voce	15 minutes	15	N	Individual
Moot	20 minutes	25	N	Individual
Final Examination	2 hours	45	N	Individual

Prescribed Texts

- Yin, Kenneth, Simon Kozlina, Kelly Green, Luca Siliquini-Cinelli, Emmanuel Laryea and Lisa Spagnolo, Contract Law: Cases and Materials (Cambridge University Press, 2020)
- Stewart, Andrew, Warren Swain and Karen Fairweather, Contract Law: Principles and Context (Cambridge University Press, 2019)

Teaching Periods

Autumn

Parramatta - Victoria Rd

Day

Subject Contact Souheir Edelbi ([https://directory.westernsydney.edu.au/search/name/Souheir Edelbi/](https://directory.westernsydney.edu.au/search/name/Souheir%20Edelbi/))

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS7047_22-AUT_PS_D#subjects)