

School of Accounting and Commercial Law

## COML 305 LAW OF CONTRACTUAL OBLIGATIONS

Trimester Two 2010

### COURSE OUTLINE

---

#### Names and Contact Details

<i>Course Coordinator/Lecturer</i>	Mr Palitha De Silva	RH 611	Phone: 463 6960
	Email:	<a href="mailto:Palitha.Desilva@vuw.ac.nz">Palitha.Desilva@vuw.ac.nz</a>	
	Office Hours:	To be announced	
<i>Lecturer</i>	Dr Amanda Reilly	RH 720	Phone: 463 6958
	Email:	<a href="mailto:Amanda.Reilly@vuw.ac.nz">Amanda.Reilly@vuw.ac.nz</a>	
	Office Hours:	To be announced	
<i>Administrator</i>	Ms Rainet Mutandwa	RH 708	Phone: 463 5383
	Email:	<a href="mailto:Rainet.Mutandwa@vuw.ac.nz">Rainet.Mutandwa@vuw.ac.nz</a>	
	Office Hours:	Monday – Friday, 8.30am-5pm	
	Office closed:	10.30-10.45am, & 3.30-3.45pm Daily	

Ms Rainet Mutandwa should be contacted for assistance in relation to tutorial attendance, collection of outstanding assignments and other inquiries of an administrative nature.

#### Trimester Dates

**Teaching Period:** Monday 12<sup>th</sup> July – Friday 15<sup>th</sup> October 2010

**Study Period:** Monday 18<sup>th</sup> October – Thursday 21<sup>st</sup> October 2010

**Examination Period:** Friday 22<sup>nd</sup> October – Saturday 13<sup>th</sup> November 2010 (inclusive)

#### Withdrawal from Courses:

Your fees will be refunded if you withdraw from this course on or before **23 July 2010**

The last date for withdrawal from this course is the three-quarter point of the teaching period, i.e. **Friday 24 September**. After that date, withdrawal requires the permission of the Associate Dean (Students) as set out in section 8 of the Personal Courses of Study Statute.

<http://policy.vuw.ac.nz/Amphora!~~policy.vuw.ac.nz~POLICY~000000001743.pdf>

To apply for permission, fill in the Late Withdrawal form available from either of our Student Customer Service Desks.

## **Class Times and Room Numbers**

*Lectures:* Tuesday, Wednesday, Thursday 11:30am – 12:20pm, RHLT 1

## **Course Content**

See Course Programme (Part 1 and 2) on pages 7 & 8 below.

## **Course Learning Objectives**

The subject of this course is the general principles of contract law comprising common law principles, case law and statutes. The course will also cover a few commercial contracts to demonstrate how these general principles feature in special contracts. The course examines the rules, principles, doctrines and concepts of contract, and explains the incidence of non-contractual legal obligations within contractual contexts.

By the end of this course, students should be able to:

- explain the role of the law of contractual obligations operative in commercial transactions;
- describe and explain the structure, basic concepts and principles of New Zealand contract law;
- analyse a defined area of law within the field of commercial transactions;
- identify contractual issues within a commercial fact situation and apply the relevant law towards the resolution of those issues.

## **Course Delivery**

The academic content of COML 305 will be delivered to students in the form of lectures (3 per week) and four tutorial sessions. The lecturers will design the coverage of each topic according to the time allocated for the topics, and the exam questions will be made consistent with the content covered in lectures and tutorials. This would mean that, although students may be able to understand the topics by reading the recommended text books and other material, for exam purposes, it is most important that they attend lectures and tutorials.

## **Tutorials**

Attendance at all four tutorials will be most important to successfully complete the course assessments (see the Assessment Requirements below).

Tutorial sign-up will be via: <https://signups.victoria.ac.nz> at **Course COML 305** and should be done during the first week of term. The instructions for signing up are attached as page 9 of this Course Outline and will also be posted on the Announcements section of **Course COML 305** on Blackboard.

The completed tutorial lists will be posted on Blackboard.

## **Assignment**

The assignment is due by 4 pm on Monday 6 September.

The completed assignment should be placed in the box marked COML 305 on the Mezzanine Floor, Rutherford House Building.

Extensions to the due date for the Assignment will only be granted in exceptional cases. In the case of illness, a doctor's certificate should be submitted. In the case of foreseeable events application for an extension will be expected well before the due date. Late Assignments (excluding authorised extensions) will incur a 5% penalty.

### **Expected Workload**

This is a 24 point course. As such it equates to 240 hours of work spread over its duration of: (i) 12 lecture weeks, (ii) 2 mid-trimester study break weeks, and (iii) 1 study week prior to the final examination period. That is a total of **16 hours of work per week** (240 hours of work ÷ 15 weeks). These 16 hours is sufficient time to cover your course material reading, studying, and reviewing course work, preparing for your tutorial group sessions, and finally attending your lectures and tutorial group sessions.

### **Group Work**

COML 305 has no group work.

### **Readings**

#### **Primary Reading Materials**

1. COML 305 Course Materials (2010) - two volumes available from Student Notes.
2. Cynthia Hawes, Butterworths Introduction to Commercial Law, 2nd Edition, LexisNexis NZ Ltd, 2007.
3. Burrows, Finn & Todd, Law of Contract in New Zealand, LexisNexis- Butterworths 3<sup>rd</sup> Edition, 2007.

#### **Research Materials**

The Law Library, located in the Old Government Building, contains various resources that should be used in this course. These include various law reports, periodicals and texts. The Law Library may be particularly useful for completing the Assignment. Library staff will assist with reasonable research requests however students should be prepared to find most of the materials they need without assistance.

Be aware that the Law Library is mainly a reference library only and will not allow many books to be removed from the premises. Photocopying cards may be purchased.

Enquire from the Law Library about familiarisation tours that will be available early in the trimester.

There is no charge for class handouts, and copies of these will be placed on Blackboard.

#### **Course Materials Book**

The course materials book (two volumes) should be purchased from Students Notes.

#### **Materials and Equipment**

There is no restriction on material that may be brought in to the Test and Final Examination. They are both open book.

## **Assessment Requirements**

Assessment 1: A 1500-Word Assignment (the question for the Assignment will be given by the lecturer) (Due Monday 6 September) - 20%

Assessment 2: Test (Tuesday 5 October) - 20%

Assessment 3: A Three-Hour Final Examination (time & venue TBA) - 60%

*Note: Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.*

## **Examinations**

Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period.

The final examination for this course will be scheduled at some time during the period **Friday 22nd October – Saturday 13th November 2010 (inclusive)**

## **Penalties**

Refer to page 2 under Assignment. Late Assignments (excluding authorised extensions) will incur a 5% penalty.

## **Mandatory Course Requirements**

The minimum course requirements which you must satisfy in order to earn the right to sit the final examination or to be assessed for a final grade are:

1. The completion of the ASSIGNMENT to a satisfactory standard.
2. The completion of the TEST to a satisfactory standard.

In order to secure a pass in COML 305 students will be required to obtain a mark of **40% or better in the Final Examination**, in addition to the overall requirement of **50% of the Total marks** from all three of the Assessments combined.

Overall grades are awarded as follows

A+	85% and over
A	80-84%
A-	75-79%
B+	70-74%
B	65-69%
B-	60-64%
C+	55-59%
C	50-54%
D	40-49% } Fail
E	Below 40% }

To obtain a grade in the “A” or higher “B” range a student will be expected to have read relevant articles and cases beyond the indicated essential reading and to demonstrate an ability to bring an advanced level of analytical and critical skills to bear on the questions raised.

The **Assignment** aims to develop students’ research skills and deepen knowledge in a selected area of law. It requires the undertaking of independent personal research and provides scope for demonstrating original analysis as well as technical legal skills.

The **Test** and **Final Examination** aim to assess the students’ overall understanding of the basic concepts, principles and rules of the selected examinable topics lectured in class and their application to fact situations. More details will be provided nearer to the date of the exams.

The **Tutorial Programme** covers topics, which are related to, and approximately in sequence with, the lecture programme. Each tutorial involves one or two exercises comprising problems and/or analysis of one or more readings.

*Objectives:*

1. Deepening and expansion of knowledge of the subject area;
2. Development of analytical and problem-solving skills through case problem exercises;
3. Development of oral skills through class presentations;
4. Development of cooperative group learning.

### **Class Representative**

A class representative will be elected in the first class, and that person’s name and contact details will be available to VUWSA, the Course Coordinator and the class. The class representative provides a communication channel to liaise with the Course Coordinator on behalf of students.

### **Communication of Additional Information**

Additional information concerning this course will be posted on the Blackboard. The Course Coordinator and Lecturers will use the Blackboard as the only platform to place information relevant to the conducting of COML 305. Copies of any handouts distributed by lecturers in class will also be placed on the Blackboard. Students are encouraged to visit the Blackboard regularly throughout the course to access any announcements posted that are relevant to the conducting of the course.

Material such as copies of the course outline, tutorials etc will be placed on the Blackboard.

**For the following important information follow the links provided:**

**Academic Integrity and Plagiarism**

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

**General University Policies and Statutes**

<http://www.victoria.ac.nz/home/about/policy>

**AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support**

[http://www.victoria.ac.nz/home/about\\_victoria/avcacademic/Publications.aspx](http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx)

**Faculty of Commerce and Administration Offices**

<http://www.victoria.ac.nz/fca/studenthelp/>

**Manaaki Pihipihinga Programme**

[http://www.victoria.ac.nz/st\\_services/mentoring/](http://www.victoria.ac.nz/st_services/mentoring/)

**Course Programme 2010**  
**Part 1**

**Attendance at Lectures**

A significant part of this course is lecture based. Therefore, you are strongly recommended to attend *all* lectures and tutorial group sessions. Much information, which is examinable, is conveyed by the *spoken word only* and is not posted on Blackboard or otherwise distributed!

	<b>Week</b>	<b>Lectures</b>	<b>Topic</b>	<b>Due Dates</b>	<b>Tutorial</b>
Palitha De Silva	1	12-16 July	<u>Introduction</u> : the Study of Contract Law <u>The Phenomena of Agreement</u> : Establishing an Agreement		
Palitha De Silva	2	19-23 July	<u>The Phenomena of Agreement</u> : Consideration; Intention to Create Legal Relations; Certainty of Agreement	Tutorial 1 posted on BB - Monday 19 July	
Amanda Reilly	3	26-30 July	<u>Contents of Contract</u> : Proof of Contract – Parole Evidence Rule; Relative Importance of Contractual Terms: Conditions, Warranties, Limiting/Excluding Terms; Implied Terms	Assignment Question posted on BB – Monday 26 July	Tutorial 1
Amanda Reilly	4	2-6 August	<u>Enforcement of Contract</u> : Contractual Capacity; Property Law Act; Privity & Assignment <u>Factors Vitiating Contract</u> : Illegality		
Amanda Reilly	5	9-13 August	<u>Sale of Goods Contracts</u>	Tutorial 2 posted on BB – Monday 8 August	
Amanda Reilly	6	16-20 August	<u>Sale of Goods Contracts</u>		Tutorial 2

**Course Programme 2010**  
**Part 2**

**Attendance at Lectures**

A significant part of this course is lecture based. Therefore, you are strongly recommended to attend *all* lectures and tutorial group sessions. Much information, which is examinable, is conveyed by the *spoken word only* and is not posted on Blackboard or otherwise distributed!

Lecturer	Week	Lectures	Topic	Due Dates	Tutorial
Amanda Reilly	7	6-10 September	<u>Personal Property Securities (PPSA)</u>	Tutorial 3 posted on BB – Monday 6 September	Answers to Assignment due – Monday 6 September
Palitha De Silva	8	13-17 September	<u>Factors Vitiating Contract: Unfair Contracts</u>		Tutorial 3
Palitha De Silva	9	20-24 September	<u>Factors Vitiating Contract: Misrepresentation</u> <u>Factors Vitiating Contract: Mistake</u>	Tutorial 4 posted on BB – Monday 20 September	
Palitha De Silva	10	27 September-1 October	<u>Termination of Contract: by Agreement; by Frustration</u> <u>Breach of Contract &amp; Cancellation</u>		Tutorial 4
Palitha De Silva	11	4-8 October	<u>Contractual Remedies: CL Damages; Equitable Relief</u>		<b>Class Test</b> – Tuesday 5 October
Amanda Reilly	12	11-15 October	<u>Alternative Dispute Resolution Methods</u>		



## Detailed Tutorial Signup Instructions

1. Go to the signup website at: <https://signups.victoria.vuw.ac.nz>
2. Enter your SCS username and password to login the system.
3. The “Signup Home” page opens. It displays all courses you are enrolled for and that use the S-Cubed Tutorial & Workshop Signup system. Click on the course you wish to sign up for.
4. The selected course page opens. It will show the course contact and brief details of the signup instructions. A “key” is provided at the bottom that explains all buttons and what they do.
5. The schedule of tutorials includes the day/time, location, maximum group size, and spaces left in the tutorial sessions.
6. If there are spaces left in a particular session, you will see the “ENROL” button next to it. You can click this button to enrol yourself into that tutorial session.
7. If there are NO more spaces left in a particular session, you will see the “JOIN WAITLIST” button, if available. You can click this button to join the waitlist for that tutorial session. Please note that you will be removed from any other waitlist you may have joined earlier. If somebody withdraws from this session, you will automatically be moved up the waitlist or enrolled into the session. In this case you are enrolled in the session; an email will be sent to you if you are enrolled into the session from a waitlist.
8. You can only “JOIN WAITLIST” if you have already enrolled in one of the other available sessions. In other words, “ENROL” in one session and then you can choose to join the waitlist for another preferred session.
9. You can choose to “WITHDRAW” from a session you have already enrolled for. You can also choose to “CANCEL WAITLIST” to remove yourself from a particular waitlist.
10. A “FULL” button indicates all seats and waitlist are full for that tutorial session. You must choose another session.
11. More details on the various buttons are available in the “Key” section at the bottom of the signup page.
12. You should “ENROL” in only ONE tutorial session and may “JOIN WAITLIST” for only ONE other tutorial session.
13. You can login and signup (or change your signup) anytime before the **closing date of the tutorial signup. You will NOT be able to sign up or change your choice after the tutorial signups have closed.**
14. You can view/confirm details of the sessions you are enrolled and waitlisted for, such as day/time and location by clicking on “My Signups” on the left hand menu.
15. Click on “Support” on the left hand menu if you are having problems.

This online signup system is available around the clock over the internet. Any requests after this date will need to be manually handled by the course administrator. You will need to submit a written application stating the reason why you were not able to sign up on time using the online system, along with other relevant documentation such as medical certificate etc.

Finally, **you must always attend the tutorial sessions that you have signed up for.** If you attend a different session, your attendance may not be recorded.