

School of Accounting and Commercial Law

COML 310 BUSINESS CONTRACTS

Trimester One 2015

COURSE OUTLINE

Names and Contact Details

Course Coordinator & Lecturer: Assoc. Professor Susan Corbett RH722 463 5480
Susan.Corbett@vuw.ac.nz
Office hours: TBA

Course Administrator: Lee Vassiliadis RH708 463 5383
Lee.Vassiliadis@vuw.ac.nz
Office hours: Monday-Friday 8.30am-5pm
Office is closed: 10.30-10.45am and 3.30-3.45pm

Trimester Dates

Teaching Period: Monday 2 March – Friday 5 June

Study Period: Monday 8 June – Thursday 11 June

Examination Period: Friday 12 June – Wednesday 1 July (inclusive)

Withdrawal from Course

1. Your fees will be refunded if you withdraw from this course on or before Friday 13th March 2015.
2. The standard last date for withdrawal from this course is Friday 15th May 2015. After this date, students forced to withdraw by circumstances beyond their control must apply for permission on an ‘*Application for Associate Dean’s Permission to Withdraw Late*’ including supporting documentation. The application form is available from either of the Faculty’s Student Customer Service Desks or [online](#).

Class Times and Room Numbers

Tuesday 11.30-12.20

Thursday 11.30-12.20

Venue: RHLT 1

Tutorials

There will be six tutorials, in Weeks 3, 5, 8, 9, 10 and 11 respectively. Tutorials are non-compulsory but highly recommended. Tutorials provide an opportunity to practice applying the law which you will be required to do in both the test and the exam.

Tutorial Sign-up

Tutorial sign-up should be done during the second week of trimester. The instructions for signing up are attached as page 6 of this Course Outline and will also be posted on the Announcements section of **Course COML 310** on Blackboard. The completed tutorial lists will be posted on Blackboard.

Course Content (NB. Provisional only. There may be some variance)	Date		Topic
Week 1	Tue 3 March		Introduction to the course: administrative details, tutorials, assessment.
	Thurs 5 March		Elements of a legal contract- a review. (Readings: Chapters 1-3)
Week 2	Tue 10 March		Terms of the Contract (Reading: Chapter 4)
	Thurs 12 March		
Week 3 <i>Tutorial 1</i>	Tue 17 March		Electronic Contracts: Incorporation of terms and conditions. The Electronic Transactions Act 2002, time and place of offer and acceptance. (Readings: available on Blackboard)
	Thurs 19 March		
Week 4	Tue 24 March		Insurance Contracts (Readings: Chapters 24-25, 26.1-26.2.8)
	Thurs 26 March		
Week 5 <i>Tutorial 2</i>	Tue 31 March		Vitiating elements (Readings: Chapter 5)
	Thurs 2 April		
Mid-trimester Break			
Week 6	Tuesday 21 April		TEST
	Thurs 23 April		Privity and Assignment (Reading: Chapter 6)
Week 7	Tue 28 April		Misrepresentation and Breach of contract (Reading: Chapter 7)
	Thurs 30 April		

Week 8 <i>Tutorial 3</i>	Tue 5 May Thurs 7 May		Remedies (<i>Readings: Chapter 7.5-7.8</i>) Discharge of Contract (<i>Readings: Chapter 8</i>)
Week 9 <i>Tutorial 4</i>	Tue 12 May Thurs 14 May		Personal Property Securities Act (<i>Readings: Chapters 35 and 36</i>)
Friday 15 May 2 p.m. ASSIGNMENT DUE			
Week 10 <i>Tutorial 5</i>	Tue 19 May Thurs 21 May		Personal Property Securities Act (<i>continued</i>) Sale of Goods (<i>Readings: Chapters 10-11</i>)
Week 11 <i>Tutorial 6</i>	Tue 26 May Thurs 28 May		Sale of Goods (continued) (<i>Readings: Chapters 12-16</i>)
Week 12	Tue 2 June Thurs 4 June		Sale of Goods (continued) Alternative Dispute Resolution Course review

Course Learning Objectives

The subject matter of the course is business contracts. The course examines general principles of contract law as expressed in common law principles, case law and statutes and applies these principles to various kinds of business contracts.

Students successfully completing this course would be expected to:

1. Explain the role of the law of contractual obligations operative in business transactions;
2. Describe and explain the structure, concepts and principles of New Zealand contract law;
3. Critically reflect on the limitations of contract law and the need for possible reform;
4. Identify contractual issues within a commercial fact situation and apply the relevant law towards their resolution

Course Delivery

Lectures and tutorials are an important delivery mechanism for material in this course but it is expected that students will complement these with careful thorough reading of the required readings. Any exercises and questions for reflection and discussion presented during lectures and tutorials are designed to assist the learning process and students are expected to fully engage with these. Be aware that the test and exam questions will be consistent with the content covered in lectures and tutorials. PowerPoint slides utilised during lectures will be posted on Blackboard. However they are likely to be brief and are not a substitute for attendance at lectures.

Expected Workload

For 300-level 15 points trimester courses an average student should expect to spend 10 hours per week. This includes attendance at lectures and tutorials as well as preparation, reading and writing.

Prescription

The law relating to business contracts.

Readings

Required: Cynthia Hawes (ed) *Introduction to Commercial Law: Custom Publication for Victoria Business School* (4th edn) (LexisNexis, 2014) available at Vic Books and as an e-book.

The Commerce Library, located in the Railway Building, has a few copies of the prescribed text on Reserve for COML 310 students.

Required: Contracts legislation

The following recommended text: CCH Introduction to New Zealand Commercial Legislation (2015) (CCH New Zealand) contains all contract legislation – and is available at Vic Books. (This text includes consumer legislation so may be useful for other courses as well as for COML 310.) Alternatively students can download relevant legislation from <http://www.legislation.govt.nz>

The Law Library, located in the Old Government Building, contains additional resources which may be useful for the Assignment. The Law Library is a University resource and is open to students of all Faculties. Library staff will assist with reasonable research requests, but students should be prepared to find most of the materials they need without assistance. Note that the Law Library is a reference library only and no journals may be removed from the premises. However, photocopying cards may be purchased.

Materials permitted in examination

The test and the exam are open book and you may bring any materials you choose into the exam room apart from computers or cell phones. Be aware that the lecturer does not have spare copies of the prescribed book available for loan. It is your responsibility to make sure you have a copy of anything you may wish to refer to during the test and exam.

Assessment Requirements

Test (<i>open book</i>)	20%	Week 6 Tuesday 21 April
Assignment	20%	Due Friday 15 May 2.00 pm
Exam (<i>open book</i>)	60%	June/July (2 hours)

The test will examine topics covered in lectures in Weeks 1-3 and Week 5. Room allocations will be advised. You are advised to arrive early so that you are seated and ready to begin the test on time.

The test and the exam will predominantly consist of problem questions. The problem questions will give students the opportunity to describe, explain and apply the law (Course objectives 1, 2, 4). The assignment will give students the opportunity to critically reflect on the limitations of contract law and the need for possible reform (Course objective 3). The assignment topic will be based on the topics covered in lectures in Week 4.

Note: assignments are to be placed in boxes labelled “COML 310” on the Mezzanine floor of Rutherford House.

The Assessment Handbook will apply to all VUW courses: see <http://www.victoria.ac.nz/documents/policy/staff-policy/assessment-handbook.pdf>.

Penalties

The Assignment is due by 2.00 pm on 15 May. If submitted later, without prior permission from the Course Coordinator, 5% of the mark will be deducted for each additional day.

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 12 June – Wednesday 1 July (inclusive).

Mandatory Course Requirements

To pass the course it will be necessary to sit both the test and the exam, to complete the assignment, and to obtain an overall course mark of 50 or better.

If you cannot complete an assignment or sit a test or examination, refer to www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat

Class Representative

A class representative will be elected in the first class, and that person's name and contact details made 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.

Student feedback

Student feedback on University courses may be found at www.cad.vuw.ac.nz/feedback/feedback_display.php

Communication of Additional Information

Notices will be posted on **Blackboard** to which all students have access. **Urgent notices** will be circulated by email.

Use of Turnitin

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <http://www.turnitin.com>. Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and submitted to Turnitin. A copy of submitted materials will be retained on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

Link to general information

For general information about course-related matters, go to <http://www.victoria.ac.nz/vbs/studenthelp/general-course-information>

Note to Students

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 academic audit. The findings may be used to inform changes aimed at improving the quality of VBS programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

Detailed Tutorial Signup Instructions

1. Go to the signup website at: <https://signups.victoria.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.