

School of Accounting and Commercial Law

COML 310 BUSINESS CONTRACTS

Trimester 2, 2016

COURSE OUTLINE

Prescription

The law relating to business contracts.

Course Learning Objectives

Students successfully completing this course will be able 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 Content

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.

Trimester Dates

Teaching Period: Monday 11 July – Friday 14 October 2016

Study Period: Monday 17 October – Thursday 20 October

Examination Period: Friday 21 October – Saturday 12 November (inclusive).

Withdrawal from Course

1. Your fees will be refunded if you withdraw from this course on or before Friday 22nd July 2016.
2. The standard last date for withdrawal from this course is Friday 23rd September 2016. 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](#)

Names and Contact Details

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

Course Administrator: Emma McLean RH708 463 5775
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Office hours: Monday - Friday 8.30am - 5pm
Office is closed: 10.30 - 10.45am and 3.30 - 3.45pm

Class Times and Room Numbers

Wednesday 10.30-11.20am
Thursday 10.30-11.20am

Venue: RHLT 1

Tutorials

Tutorials will start in the **third** week of the trimester, i.e. in the week commencing 25 July 2016. Tutorial sign up instructions for 'MyAllocator' can be found on Blackboard under 'Tutorials'.

There will be five tutorials, in Weeks 3, 5, 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.

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.

Lecture Schedule

Course Content	Date	Topic
Week 1	13 July	Introduction to the course: administrative details, tutorials, assessment. Elements of a legal contract.
	14 July	Elements of a legal contract. (continued) (Readings: Chapters 1-3)
Week 2	20 July	Terms of the Contract (Reading: Chapter 4)
	21 July	
Week 3	27 July	Electronic Contracts: (Readings: available on Blackboard)

Tutorial 1 (<i>Fundamental principles and Terms of the contract</i>)	28 July	
Week 4	3 August 4 August	Vitiating elements: Incapacity, duress, undue influence and unconscionability, illegality. (<i>Readings: Chapter 5</i>)
Week 5	10 August	Vitiating elements: Mistake (<i>Readings: Chapter 5</i>)
Tutorial 2 (<i>Electronic contracts and Vitiating elements</i>)	11 August	Misrepresentation and breach of contract (<i>Reading: Chapter 7</i>)
Week 6		Misrepresentation and breach of contract (continued) (<i>Reading: Chapter 7</i>) TEST – 17 August 5:50pm
Mid-trimester Break		
Week 7	7 September 8 September	Insurance Contracts (<i>Readings: Chapters 24-25, 26.1-26.2.8</i>)
Week 8	14 September 15 September	Privity (<i>Reading: Chapter 6</i>) Remedies (<i>Reading: Chapter 7.5-7.8</i>)
Week 9	21 September	Discharge of Contract (<i>Readings: Chapter 8</i>)
Tutorial 3 (<i>Mistake; Misrepresentation</i>)	22 September	Sale of Goods (<i>Readings: Chapters 10-11</i>)
Week 10	28 September	
Tutorial 4 (<i>Insurance; Privity; Remedies</i>)	29 September	Sale of Goods (<i>Readings: Chapters 12-16</i>)
Week 11	5 October	Personal Property Securities Act (PPSA) (<i>Readings: Chapters 35 and 36</i>)
Tutorial 5 (<i>Discharge; Sale of Goods</i>)	6 October	
Week 12	12 October 13 October	Alternative Dispute Resolution

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

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

Test (<i>open book</i>)	20%	Week 6 - 17 August 5:50pm
Assignment (1,200 words)	20%	Due Friday 16 September 2.00 pm
Exam (<i>open book</i>)	60%	During the exam period (2 hours)

The test will examine topics covered in lectures in Weeks 1- 4. 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).

Penalties

The Assignment is due by 2.00 pm on 16 September. In fairness to other students, any assignment submitted after the deadline will be subject to a penalty of 5% of the total marks available for every day or part of a day (including Saturdays and Sundays) that the assignment is submitted late. For example, an assignment marked out of 100 due by 2pm on Monday 1 January but submitted at 1pm on Wednesday 3 January, would be marked out of 100 and then have 10 marks deducted from the marks awarded . No marks will be awarded to any assignment submitted after the assignment has been discussed in class or marked and returned to other students or after 10 days have elapsed, whichever occurs first.

Extensions will only be allowed in exceptional circumstances such as illness or bereavement. Please note: it will be necessary to provide supporting documentation such as a medical certificate in support of any application for an extension.

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 21 October – Saturday 12 November (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

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.

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.
