

# LAWS70335 Commercial Contracts

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| <b>Credit Points:</b>                    | 12.50  |
| <b>Level:</b>                            | 7 (Graduate/Postgraduate)  |
| <b>Dates &amp; Locations:</b>            | 2010, Parkville<br>This subject commences in the following study period/s:<br>February, Parkville - Taught on campus.  |
| <b>Time Commitment:</b>                  | Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Visit the Melbourne Law Masters website for more information about this subject.  |
| <b>Prerequisites:</b>                    | Visit the Melbourne Law Masters website for more information about this subject.   |
| <b>Corequisites:</b>                     | Visit the Melbourne Law Masters website for more information about this subject.   |
| <b>Recommended Background Knowledge:</b> | Visit the Melbourne Law Masters website for more information about this subject.   |
| <b>Non Allowed Subjects:</b>             | Visit the Melbourne Law Masters website for more information about this subject.   |
| <b>Core Participation Requirements:</b>  | Visit the Melbourne Law Masters website for more information about this subject.   |
| <b>Contact:</b>                          | For the most up-to-date information about this subject, contact the Melbourne Law Masters Office by email at <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> or phone 8344 6190 or alternatively visit the subject website: <a href="http://www.masters.law.unimelb.edu.au">www.masters.law.unimelb.edu.au</a>  |
| <b>Subject Overview:</b>                 | <p>This subject will examine the principles governing the interpretation of commercial contracts, as well as the closely related principles concerning formation and rectification of contracts. Topics to be covered, principally through a series of case studies, include:</p> <ul style="list-style-type: none"> <li># The relationship between principles of contract formation and contract interpretation</li> <li># The objective approach and its limits</li> <li># The relevance of the parol evidence rule</li> <li># The status of the plain meaning 'rule'</li> <li># The effect and implications of Lord Hoffmann's fundamental restatement in the Investors Compensation Scheme case and the reception of this restatement by the courts in Australia and New Zealand</li> <li># The equitable remedy of rectification</li> <li># The admissibility of prior negotiations and subsequent conduct as aids to interpretation</li> <li># The differences between the common law principles of contract interpretation and those contained in important international instruments such as the United Nations Convention on Contracts for the International Sale of Goods, the Unidroit Principles of International Commercial Contracts and the Principles of European Contract Law.</li> </ul> |
| <b>Objectives:</b>                       | <p>A student who has successfully completed this subject should have:</p> <ul style="list-style-type: none"> <li># An in-depth knowledge and understanding of the law relating to written contracts and their interpretation</li> <li># Been introduced to a wide range of commercial contracts and the kind of contractual disputes that most frequently come before the courts</li> <li># Developed an ability to compare and evaluate alternative approaches to interpretation</li> <li># Gained further insights into the nature of the judicial process.</li> </ul>   |
| <b>Assessment:</b>                       | Class participation (10%) Take-home examination (90%) (16-19 April)  |
| <b>Prescribed Texts:</b>                 | Visit the subject website for more information   |
| <b>Breadth Options:</b>                  | This subject is not available as a breadth subject.  |
| <b>Fees Information:</b>                 | Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>  |

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| <b>Generic Skills:</b>               | Visit the Melbourne Law Masters website for more information about this subject.            |
| <b>Links to further information:</b> | <a href="http://www.masters.law.unimelb.edu.au/">http://www.masters.law.unimelb.edu.au/</a> |