

**Victoria University**  
**College of Law and Justice**  
**Business Law**  
**BLO1105 (Sunway): Semester 2, 2017**  
**Assignment**

**QUESTION 1**

Lianne, a wealthy property developer, wants to treat her friends by hosting and paying for a mid-year party on 30 July. She wishes to outsource the party arrangements to a professional organiser and searches the internet for one.

The following advertisement on the website of **maryspartytreats.com.au** catches her eye:

*Looking for someone to organise your next private or corporate function?  
Would you like your party organised efficiently, stylishly and professionally? Look at our wide choice of  
packages to suit every budget. Parties start from \$500 for a group of 5.*

*Look no further. Contact Mary at **Mary's Party Treats** for a quote.*

*maryspartytreats@ezemail.com or Phone 1800 450 988*

On **10 June** the following email exchanges occur.

Lianne emails Mary setting out her requirements for a Malaysian themed party including that country's high quality ethnic food and drink, and live *Joget* and *Zapin* styles of music provided by musicians. She expects twenty people in her group, and asks for a quote. She tells Mary to direct all correspondence to her given email address.

In reply, Mary emails Lianne suggesting that the party be held on board a boat that will travel up and down the local river for a period of eight hours. Lianne responds immediately saying she likes the idea provided there is room on board for dancing, and enquires about the type of boat that will be used.

Three hours later, Mary emails Lianne with information about the boat and attaches a detailed quote for the amount of \$10,000.

Lianne replies that the quote seems a bit high and proposes a price of \$9,500.

In response, Mary approves this lower price on the condition that her new quote for the lower figure would only remain open for seven days, and provided a 10% non-refundable deposit was received in that time-frame. As added encouragement, she writes, 'I really hope to hear from you soon'.

Lianne's personal commitments distract her from responding to Mary's last email. It is only on **20 June**, that she contacts Mary again and on that date, the following exchanges occur.

Lianne sends Mary an email saying 'go ahead with my party for \$9,500. I'll forward the deposit to you by the tomorrow'.

Mary replies, 'Sorry, but the price is now \$10,000 due to increased costs'.

Annoyed by this, Lianne writes, 'You're actually bound by your \$9,500 offer. But I don't want to quibble. So go ahead with the \$10K deal'. Thirty minutes later, Lianne has a change of heart and sends another email to Mary stating, 'I've changed my mind. The deal is off'.

Mary does not read these last two emails from Lianne because Mary's computer had just experienced hard drive failure. She has no other electronic devices to access her emails, and the technical problem is not resolved until five hours later.

When her computer is repaired, Mary reads for the first time Lianne's two earlier emails.

Mary has found Lianne to be a demanding client - or potential client. She had spent some time and effort preparing the quote, and believes they have a contract.

### **Required**

- (a) Explain whether the parties had entered into a contract with one another.

Your answer should include analysis of

- all the parties' exchanges and their legal significance (if any)
- whether any opinions or views held by the parties are correct or not. ( Furthermore, beware of the words or descriptions used by the parties throughout the facts as these are only their interpretations of events, and may be incorrect)

( Focus on Topic 3).

**( 12 marks)**

- (b) Assume for this part only, a contract was formed between the parties for the price of \$9,500. On the agreed date of 30 July, Lianne arrives with her friends who boarded the boat arranged by Mary. The food and drink supplied by Mary ( through her supplier, Food Organics Ltd) was totally different from what Lianne had ordered, as it consisted of Russian-style food rather than Malaysian cuisine. Furthermore, the boat was extremely cramped and it was a tight squeeze to accommodate all the party guests, let alone the musicians, leaving no room for dancing. All the food was consumed. Upset by this, Lianne complains to Mary, 'I'm a consumer and I have rights, you know!'.

Advise Lianne of her rights, if any, against Mary under the relevant legislation.

**( 6 marks)**

**( Total for Question 1: 18 marks)**

**Continued**

## **QUESTION 2**

Advertisements published by businesses appear in various media such as television, radio, print, or internet. In Australia, as elsewhere, advertisements are designed to have a certain impact or effect on those who see, read or hear them. An example appears in the facts of Question 1 (above).

The business advertiser needs to be careful about statements made in its advertisements given that they are subject to legal rules developed by the courts as well as by parliament ( through legislation).

### **Required**

Discuss this statement.

( Note: this is not an IRAC question but an essay question. Ensure you do discuss the statement, with which you may agree or disagree. Refer to relevant legal authorities such as cases and legislation in support. Focus on Topics 3 and 7).

**( 12 marks)**

**( Total: 30 marks)**

## **Assignment Instructions**

### **Overview of the task**

**Task:** Assignment consisting of two main questions. ( Question 1 has two sub-parts).

**Total marks:** 30

**Total length of both questions:** 2,000 (minimum) - 2,500 Words ( not including footnotes (or other internal references) and bibliography)

**Due Date:** end of **Week 9** of the semester: **Sunday 24 September** (11.55 pm Melbourne time)

### **How to submit**

- (1) You must submit a softcopy of your assignment through VU Collaborate drop box by the due date. This allows for official receipt of the assignment, and Turnitin analysis.

**AND**

- (2) You must also submit a hardcopy at your first class in **Week 10**. The hardcopy must be the same as the softcopy, and include a declaration form. It will be marked and returned to you with a feedback sheet.

### Details of the task

- The assignment is to be completed **individually** and requires students to undertake their own research of academic materials outside of those prescribed or provided in the unit as a basis for their completed assignment (e.g., legal journal articles, case summaries, other texts).
- Students must read and follow all instructions carefully and familiarise themselves with the VU Academic Integrity and Plagiarism policies.
- Question 1 of the assignment should be written using the IRAC method. Question 2 should be written in the style of an essay.
- Statements of law should be supported with appropriate references to Australian law (cases) and relevant textbooks/articles/journals.
- Students should be wary of using internet sources that are not of acceptable academic standard. For example, wikipedia, or similar sources are **not** acceptable.
- A bibliography is required.
- Referencing style: see <https://www.vu.edu.au/library/get-help/referencing/referencing-guides>
- Scholarly writing, plagiarism and copyright
  - Part of what it means to be a 'scholar' is to engage with the work of others, for example, to extend or refine one's own ideas, critique the work of others, or test and extend theories. Learning and assessment activities therefore often require you to gather information from a number of sources. This may include factual information, data or calculations, visual artefacts and written texts. Whenever you use the work of another person, you must acknowledge that source using the correct referencing system. Failure to acknowledge other people's work appropriately may be regarded as plagiarism or academic misconduct. Use of one's own previous work in satisfaction of a new assessment requirement is also not be allowed unless it is an explicit requirement for the unit.
  - VU deals with plagiarism according to the [Academic Integrity and Preventing Plagiarism Policy](#).
  - VU uses *Turnitin* for the review of written assessments. *Turnitin* checks submitted work against sources from across the world, and provides a report detailing the use of third party text and references. Written assessments are automatically submitted via *Turnitin* in the unit site. You may be provided access to submit assessments early and review the reports, to help you understand where referencing should occur.
  - All students and staff of Victoria University are also bound by the requirements of the Copyright Act (1968) and the University's [Copyright Material \(the Use of\) Policy](#) when using third party copyright material in the course of their research and study. Please ensure that you familiarize yourself with this policy and the rules around use of materials produced or owned by others. For information on copyright entitlements and responsibilities for study and research please see [vu.edu.au/library/referencing-copyright/copyright](https://vu.edu.au/library/referencing-copyright/copyright)

- Adjustment to assessment arrangements

If you are unable to undertake or complete an assessment due to adverse circumstances the following arrangements may apply:

*Late submission of assessments - Short extension of time*

If you are unable to submit an assessment item on time, due to circumstances outside your control, you may apply for a short extension of time of less than five (5) working days. The standard penalty for late submission without an approved short extension will be 5% of the total possible mark per working day. If submission is overdue by more than ten (10) working days, the work will not be assessed. Full details of the procedure for applying for a short extension are available [here](#). You can download the form from the policy library or use the quick link [here](#).

- **Preparation**

Students are expected to review the relevant topics (i.e., lecture materials and relevant chapters of prescribed textbook) as well as to conduct more in-depth research into the topic using a variety of reputable academic resources.

It is recommended that begin researching the assignment as early as possible. A marking rubric for this task will be made available in the Assessments module of this space.

- **Assessment Criteria and Submission**

- All assignments are to be submitted electronically via the Assessment Dropbox provided. Assignments will be submitted via Turnitin, where originality reports will be generated and can be viewed.
- Students should endeavour to achieve less than 30% similarity.
- An assignment declaration form must be submitted with the assignment.

Marc Posthouwer,

Unit co-ordinator, BLO1105 (Sunway).

College of Law and Justice,

10 July 2017.