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CONTRACT LAW - ASSIGNMENT- 2012

INSTRUCTIONS FOR STUDENTS

Questions One, Two and Three are COMPULSORY

Please choose ONE question between Questions Four and Five.

Maximum word length is 3000 words (inclusive of all footnotes but not bibliography).

Due Date: 21 May 2012.

QUESTION ONE (1) COMPULSORY (18 marks)

RailCorp contracted Bovis to build a new rail line within South West Rail Link. Both RailCorp and Bovis felt confident that Bovis could work on the rail line 24 hours a day and noise would not be an issue. Bovis contracted to complete works by 1 March 2010. Clause 24 of the contract between RailCorp and Bovis stated:

"If there is a delay in the completion of the project for any reason whatsoever an extension of time of up to two months would be available for Bovis to complete the construction work."

In August 2009 the Parliament of NSW passed the *Quiet Act 2009*, the effect of which prevented Bovis working on the project between 8:00am and 7:00pm the following day. This was as a result of the noise levels that emanated from the machinery used by Bovis. As a result, Bovis was unable to complete the construction work until 17 December 2010.

Discuss what effect if any the passing of the *Noise Act 2010* had on the contract with RailCorp. Your answer should contain an introduction and conclusion.

QUESTION TWO (2) COMPULSORY (14 marks)

Peter Jackson is a football player contracted to the Ace club. Peter lives a life of footy and frivolity. He spends money freely, his greatest love being a Porsche sports car which he leases from Fiddi Motors, because he loves the image and the *CL* impressing other fans. However his life changes when he is summoned by Ace club management and told they cannot fit him within the club's salary cap and therefore he would not have his contract renewed. He cannot find a new club and his sponsorship money starts to dry up.

For six months he becomes habitually late making his monthly lease payments on the Porsche. Fiddi Motors continue to press for prompt payment but accept late and sometimes part payments. Finally, Fiddi decide that enough is enough and purport to cancel the contract and repossess the car from outside Peter's apartment.



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