



# LAWS5000

## Remedies, Reparations and Resolution in Law

Session 1, Online-scheduled-weekday 2024

*Macquarie Law School*

### Contents

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<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	2
<a href="#"><u>General Assessment Information</u></a>	3
<a href="#"><u>Assessment Tasks</u></a>	3
<a href="#"><u>Delivery and Resources</u></a>	5
<a href="#"><u>Unit Schedule</u></a>	6
<a href="#"><u>Policies and Procedures</u></a>	6

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#### **Disclaimer**

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## General Information

### Unit convenor and teaching staff

Convenor

Amanda Head

17WW rm 320

### Credit points

10

### Prerequisites

140cp in LAW or LAWS units including ((LAW203 or LAWS2400) and (LAW315 or LAWS3300) and (LAWS217 or LAWS2500 or LAW317))

### Corequisites

(LAWS398 or LAWS3200) or LAW456

### Co-badged status

### Unit description

This unit aims to consolidate students' knowledge and skills and prepare them for life beyond the law school. The unit will examine some of the remedies available in equity, the common law and statute as well as public and international law. It will also examine different mechanisms for the resolution of disputes such as ADR and restorative justice programs. Justice theories will provide the framework for examining the concept of a legal 'remedy' and will assist students to explore the broader issue of how to achieve a just remedial system of law.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

**ULO1:** Explain the principles upon which remedial action can be taken.

**ULO2:** Critically analyse different types of remedies and how they function in different contexts.

**ULO3:** Formulate, present and evaluate a range of arguments that draw on law and policy, theoretical and/or ethical considerations about remedies and their effectiveness.

**ULO4:** Analyse hypothetical fact situations, identify legal and factual issues involving the

law of remedies, apply relevant principles and consider policy/value judgments to solve legal problems.

**ULO5:** Work independently to produce a sophisticated research project based on some of the broad topics covered in the unit.

**ULO6:** Identify and propose reforms to create a more just remedial system of law.

## General Assessment Information

All assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing. Unless otherwise advised, referencing must conform to the requirements set out in the Australian Guide to Legal Citation 4th edition.

Marking of all assessments is moderated through a process of blind marking and the use of detailed marking rubrics.

### Late penalty policy

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

### Special Consideration

Students should submit applications for Special Consideration electronically via [ask.mq.edu.au](http://ask.mq.edu.au), along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration policy (link provided under 'Policies and Procedures' below).

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Participation</a>	20%	No	ongoing to 31/05/2024
<a href="#">Research Essay</a>	30%	No	28/04/2024, 11:55pm

Name	Weighting	Hurdle	Due
<a href="#">Hypothetical Problems</a>	50%	No	03/06/2024, 9am-1pm

## Participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **ongoing to 31/05/2024**

Weighting: **20%**

Students will be assessed on their informed participation in discussions, role plays, debates and other activities.

On successful completion you will be able to:

- Explain the principles upon which remedial action can be taken.
- Critically analyse different types of remedies and how they function in different contexts.
- Formulate, present and evaluate a range of arguments that draw on law and policy, theoretical and/or ethical considerations about remedies and their effectiveness.
- Analyse hypothetical fact situations, identify legal and factual issues involving the law of remedies, apply relevant principles and consider policy/value judgments to solve legal problems.
- Identify and propose reforms to create a more just remedial system of law.

## Research Essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **28/04/2024, 11:55pm**

Weighting: **30%**

Students will prepare a research report on an aspect of the course. The essay question and assessment guidance will be released via iLearn.

On successful completion you will be able to:

- Explain the principles upon which remedial action can be taken.
- Critically analyse different types of remedies and how they function in different contexts.

- Formulate, present and evaluate a range of arguments that draw on law and policy, theoretical and/or ethical considerations about remedies and their effectiveness.
- Work independently to produce a sophisticated research project based on some of the broad topics covered in the unit.
- Identify and propose reforms to create a more just remedial system of law.

## Hypothetical Problems

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **03/06/2024, 9am-1pm**

Weighting: **50%**

Students will advise a client based on the facts of the situation and the law learned in the course. The essay question and assessment guidance will be released via iLearn.

On successful completion you will be able to:

- Explain the principles upon which remedial action can be taken.
- Critically analyse different types of remedies and how they function in different contexts.
- Formulate, present and evaluate a range of arguments that draw on law and policy, theoretical and/or ethical considerations about remedies and their effectiveness.
- Analyse hypothetical fact situations, identify legal and factual issues involving the law of remedies, apply relevant principles and consider policy/value judgments to solve legal problems.

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

There are online lectures each week which begin in Week 1. There are two-hour face-to-face tutorials (in-person or via zoom) beginning in Week 2. Tutorial content will cover the topics from the previous lectures as detailed on the iLearn page. Discussion questions for each tutorial will be available on the iLearn page for the unit. You must prepare your responses in advance.

Tutorials are assessed for participation.

**The Required Texts are:**

Katy Barnett and Sirko Harder, *Remedies in Australian Private Law* (Cambridge University Press, 2nd ed, 2018)

Katy Barnett, Kenneth Yin and Martin Allcock, *Remedies Cases and Materials in Australian Private Law* (Cambridge University Press, 2023)

Additional readings will be available via iLearn or else they will be linked to a publicly available source.

Students will also be required to use a computer for word processing of assignments and have access to the internet for submission of assignments in Turnitin and to interact with iLearn and online research databases and web-based research tools.

## Unit Schedule

- Nature of Remedies
- Alternative Dispute Resolution
- Reparations for Indigenous Australians and Apologies
- Compensation in Tort, Contract, Equity and Statute
- Self-help Remedies
- Injunctions and Specific Performance
- Gains Based Relief
- Proprietary Remedies
- Restitution and Rescission
- Enforcement of Remedies

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)

- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies](https://students.mq.edu.au/support/study/policies) (<https://students.mq.edu.au/support/study/policies>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>) and use the [search tool](#).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## Student Services and Support

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

## Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

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Unit information based on version 2024.04 of the [Handbook](#)