



LAW 555

Remedies, Reparations and Resolution in Law

S1 External 2014

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

Francesca Dominello

francesca.dominello@mq.edu.au

Contact via francesca.dominello@mq.edu.au

Thursday 2:00-3:00 in teaching weeks or by email for External Students

Credit points

3

Prerequisites

(48cp in LAW or LAWS units) including (LAWS217 and LAWS256 and LAWS259 and LAW315 and LAWS399) or (LAW203 and LAW315 and LAW317 and LAW459)

Corequisites

LAW409 or LAW459 or LAW509

Co-badged status

Unit description

This unit aims to consolidate student's 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:

Demonstrate a thorough understanding of legal principles relating to the principles upon which remedial action can be taken

Demonstrate an enquiring, critical, analytical and thoughtful approach to remedies and their place in a range of areas of law

Formulate, present and evaluate oral and written arguments, drawing on law, 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

Demonstrate independent and sophisticated research, writing and referencing skills appropriate to a later year undergraduate

Take responsibility for their own learning; manage their time productively; demonstrate capacity to plan a task and work effectively towards its completion

Assessment Tasks

Name	Weighting	Due
<u>Class Participation</u>	15%	Ongoing
<u>Assignment 1</u>	20%	22 April 2014
<u>Assignment 2</u>	30%	23 May 2014
<u>Assignment 3</u>	35%	20 June 2014

Class Participation

Due: **Ongoing**

Weighting: **15%**

Class Participation: preparation and understanding of prescribed materials. The ability to understand and respond in an oral communication context.

On successful completion you will be able to:

- Demonstrate a thorough understanding of legal principles relating to the principles upon which remedial action can be taken
- Demonstrate an enquiring, critical, analytical and thoughtful approach to remedies and their place in a range of areas of law
- Formulate, present and evaluate oral and written arguments, drawing on law, 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
- Take responsibility for their own learning; manage their time productively; demonstrate

capacity to plan a task and work effectively towards its completion

Assignment 1

Due: **22 April 2014**

Weighting: **20%**

Assignment 1: A hypothetical based on materials for Lectures in Weeks 3 and 4: Torts 1 and Torts 2.

On successful completion you will be able to:

- Demonstrate a thorough understanding of legal principles relating to the principles upon which remedial action can be taken
- Demonstrate an enquiring, critical, analytical and thoughtful approach to remedies and their place in a range of areas of law
- Formulate, present and evaluate oral and written arguments, drawing on law, 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
- Demonstrate independent and sophisticated research, writing and referencing skills appropriate to a later year undergraduate
- Take responsibility for their own learning; manage their time productively; demonstrate capacity to plan a task and work effectively towards its completion

Assignment 2

Due: **23 May 2014**

Weighting: **30%**

Assignment 2: a hypothetical based on materials for lectures 5, 6, 7 and 8 (contract, equity and restitution).

On successful completion you will be able to:

- Demonstrate a thorough understanding of legal principles relating to the principles upon which remedial action can be taken
- Demonstrate an enquiring, critical, analytical and thoughtful approach to remedies and their place in a range of areas of law
- Formulate, present and evaluate oral and written arguments, drawing on law, 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

- Demonstrate independent and sophisticated research, writing and referencing skills appropriate to a later year undergraduate
- Take responsibility for their own learning; manage their time productively; demonstrate capacity to plan a task and work effectively towards its completion

Assignment 3

Due: **20 June 2014**

Weighting: **35%**

Assignment 3: an essay based on one or more of the topics from lectures 1, 2, 9, 10, 11, 12. The emphasis is on analysis and critique.

On successful completion you will be able to:

- Demonstrate an enquiring, critical, analytical and thoughtful approach to remedies and their place in a range of areas of law
- Formulate, present and evaluate oral and written arguments, drawing on law, policy, theoretical and/or ethical considerations, about remedies and their effectiveness
- Demonstrate independent and sophisticated research, writing and referencing skills appropriate to a later year undergraduate
- Take responsibility for their own learning; manage their time productively; demonstrate capacity to plan a task and work effectively towards its completion

Delivery and Resources

You will find all resources and required reading list in the online unit available at ilearn.mq.edu.au.

Students will also be required to use a computer to interact with online research databases and web-based research tools.

Unit Schedule

LAW555 Remedies S1 2013 - Schedule

This schedule is based on the internal students' schedule. External students should use it as a guide to pace their studies.

Unit guide LAW 555 Remedies, Reparations and Resolution in Law

Week	Dates	Lecture	Tutorial
Week 1	3 Mar-7 Mar 7 Mar Assignment 3 released to all students	Introduction to the Unit; Theory of Remedies; Self-help	NO TUTORIAL
Week 2	10 Mar-14 Mar	Alternative (Appropriate) Dispute Resolution	Introduction to the Unit; Theory of Remedies
Week 3	17 Mar-21 Mar	Torts 1	Alternative (Appropriate) Dispute Resolution
Week 4	24 Mar-28 Mar	Torts 2	Torts 1
Week 5	31 Mar-4 Apr (31 Mar Census Date)	Contract/Equity 1	Torts 2
Week 6	7 Apr- 11 Apr (11 April last day of classes)	Contract Equity 2	Contract/Equity 1
Break	OCS for External Students 12 & 13 Apr: Materials covered - Lectures 1-6 15 Apr Assignment 1 released to External students 22 Apr Assignment 1 due for External students		
Week 7	28 Apr-2 May (28 Apr Last day to withdraw from classes for S1)	Contract Equity 3	Contract/Equity 2
Week 8	5 May-9 May	Restitution	Contract/Equity 3
Week 9	12 May-16 May 16 May Assignment 2 released to all students	Restorative Justice	Restitution
Week 10	19 May-23 May 23 May Assignment 2 due for all students	Constitutional Remedies	Restorative Justice
Week 11	26 May-30 May	Administrative Law Remedies	Constitutional Remedies

Week 12	2 Jun-6 Jun	International Law and Reparations for Human Rights Violations	Administrative Law Remedies
Week 13	9 Jun-13 June (9 Jun Public Hol) 20 Jun Assignment 3 due for all students	NO LECTURE	International Law and Reparations for Human Rights Violations

Policies and Procedures

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

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Student Support

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

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)

- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

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

Graduate Capabilities

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Demonstrate independent and sophisticated research, writing and referencing skills appropriate to a later year undergraduate
- Take responsibility for their own learning; manage their time productively; demonstrate capacity to plan a task and work effectively towards its completion

Assessment tasks

- Class Participation
- Assignment 1
- Assignment 2
- Assignment 3

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcomes

- Demonstrate independent and sophisticated research, writing and referencing skills appropriate to a later year undergraduate
- Take responsibility for their own learning; manage their time productively; demonstrate capacity to plan a task and work effectively towards its completion

Assessment tasks

- Class Participation
- Assignment 1
- Assignment 2
- Assignment 3

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcome

- Demonstrate a thorough understanding of legal principles relating to the principles upon which remedial action can be taken

Assessment tasks

- Class Participation
- Assignment 1
- Assignment 2
- Assignment 3

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a thorough understanding of legal principles relating to the principles upon which remedial action can be taken
- Demonstrate an enquiring, critical, analytical and thoughtful approach to remedies and their place in a range of areas of law
- Formulate, present and evaluate oral and written arguments, drawing on law, 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

Assessment tasks

- Class Participation
- Assignment 1
- Assignment 2
- Assignment 3

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Formulate, present and evaluate oral and written arguments, drawing on law, 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

- Take responsibility for their own learning; manage their time productively; demonstrate capacity to plan a task and work effectively towards its completion

Assessment tasks

- Class Participation
- Assignment 1
- Assignment 2
- Assignment 3

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an enquiring, critical, analytical and thoughtful approach to remedies and their place in a range of areas of law
- Formulate, present and evaluate oral and written arguments, drawing on law, policy, theoretical and/or ethical considerations, about remedies and their effectiveness

Assessment task

- Assignment 3

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Formulate, present and evaluate oral and written arguments, drawing on law, policy, theoretical and/or ethical considerations, about remedies and their effectiveness
- Demonstrate independent and sophisticated research, writing and referencing skills appropriate to a later year undergraduate

Assessment tasks

- Class Participation
- Assignment 1
- Assignment 2
- Assignment 3

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcome

- Formulate, present and evaluate oral and written arguments, drawing on law, policy, theoretical and/or ethical considerations, about remedies and their effectiveness

Assessment tasks

- Class Participation
- Assignment 3

Changes since First Published

Date	Description
25/02/2014	The Prerequisites was updated.