



LAW 555

Remedies, Reparations and Resolution in Law

S3 Day 2015

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff

Unit Convenor

Marie Hadley

marie.hadley@mq.edu.au

Contact via marie.hadley@mq.edu.au

TBA

Credit points

3

Prerequisites

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

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 a range of 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

General Assessment Information

PLEASE READ CAREFULLY

ATTENDANCE: Students must register in an available on campus session group at the time of enrolment. There are two groups. Each student is to attend the classes scheduled for each group (either 14 Dec and 11 Jan or 15 Dec and 12 Jan). Attendance on both days for each group is compulsory and students who miss more than 2 hours of scheduled class time that relate to the Lectures (see Unit Schedule below) will be excluded from the unit and will receive an F grade. In the event that students cannot attend the required number of hours, they must comply with the "Disruptions to Studies" policy. In the event of a successful application for disruption, students must complete a supplementary written task in lieu of the 20% mark for Class Participation. The onus is on the student to contact the Unit Convenor and request the make up work, and that the work is submitted by the agreed time.

The on campus sessions are designed to assist students in completing the written assessments. They will prepare students to answer the research essay (Assignment 1) and involve working on hypothetical practice problems in preparation for the hypothetical (Assignment 2). It is in the interests of students to prepare for the on campus sessions by completing all set readings, listening to all relevant lectures and attempting any tutorial questions. Students will also be allocated specific readings that they will need to be prepared to answer questions on and lead discussion on in class. Allocated readings will be published on iLearn prior to the on campus sessions.

Please see the Unit Schedule for more information about the order in which the course content will be covered in the on campus sessions.

Once Assignment 2 is released to students the Unit Convenor will not be in a position to answer any questions about it.

Class Participation:

Due Date: Ongoing - assessed during the on campus sessions

Mark: 20% of total

Class Participation: Preparation and understanding of prescribed materials. The ability to understand and respond in an oral communication context. Class Participation will take into account the entirety of the student's in-class performance, not just their performance pertaining to their set reading/s. See below general instructions for more information about how Class Participation will be assessed.

Assignment 1: Research Essay on Topics in the areas of Alternative Dispute Resolution, Public Law Remedies, Restorative Justice, or Reparations for Human Rights Abuses

Released to Students: Thursday 10th December, 9:00am on iLearn

Due Date: Monday 28 December, 12:00pm via Turnitin

Mark: 40% of total

Word Length: 2000 words MAX (excluding footnotes and bibliography). Footnotes and Bibliography required.

Assignment 2: Hypothetical Problem Solving based on Remedies in Torts, Contracts, Equity, Restitution

Released to Students: Thursday, 14 January 2016, 9:00am on iLearn

Due Date: Monday, 18 January 2015, 12:00pm via Turnitin

Mark: 40% of total

Word Length: 2000 words MAX (excluding footnotes). No Bibliography required.

GENERAL INSTRUCTIONS FOR CLASS PARTICIPATION. PLEASE READ CAREFULLY.

One of the reasons for assessing class participation is to encourage students to develop oral communication skills through practice, in an environment far less intimidating than the world of professional practice. We appreciate that not all students possess the same degree of verbal confidence, and not all are equally articulate, however, what we are keen to see is real effort to develop and/or enhance existing oral skills. Asking questions is a very good way of learning, and frequently the student who asks the “dumb question” is voicing what others are also thinking, with the result that everybody is helped to clarify the material. Your tutor cannot identify and deal with misunderstandings unless you speak up. This assessment requires you to come sufficiently prepared for the classes to enable you, and others, to benefit from the class, and to go away having increased your understanding. To encourage engagement with the set readings and lectures, students will be allocated at least one reading on each day of the on campus sessions,

and will be called upon to lead discussion around that reading and the relevant principles and/or issues it raises. Allocated Readings will be posted on iLearn prior to the on campus sessions. While performance in discussion on allocated readings will influence Class Participation marks, Class Participation marks will ultimately be based on the entirety of each student's contribution during both session days.

Marks for class participation encourage active learning, regular reading, elucidation and clarification of difficulties, questioning and analysis of material, and enhance oral skills. Attendance, of itself, will not attract marks for Class Participation. If you anticipate difficulties with class participation, talk to your tutor EARLY to discuss strategies to assist you.

GENERAL INSTRUCTIONS FOR ASSIGNMENTS 1 & 2 . PLEASE READ CAREFULLY.

The word lengths for all assignments will be strictly applied. The word length must be stated on the paper. Any assignment exceeding the word length will not be marked.

Referencing for all assignments must comply with the current version of the Australian Guide to Legal Citation. Assignments that do not comply will have marks deducted at the discretion of the marker.

All assignments must be typed in 12pt Times New Roman, with margins of not less than 2.5cm on both sides. Single spacing is preferred but not compulsory.

The Footnotes for all assignments should be in 10pt Times New Roman.

The Bibliography for Assignment 1 should be single spaced in 12pt Times New Roman with a single space in between each reference. The Bibliography is mandatory. Assignments that do not comply will have marks deducted at the discretion of the marker.

Detailed general instructions for Assignment 2 regarding the structure of Hypotheticals is noted below in the Assignment 2 Marking Guide.

All assignments are to be submitted via Turnitin on the iLearn page on or before the due date.

Late submissions will not be marked and in the absence of a successful claim of "Disruption to Studies" will be given a grade of zero. Applications for Disruption to Studies must be made before the due date.

Marks will be made available on iLearn.

MARKING GUIDES AND RUBRICS FOR ALL ASSESSMENTS

MARKING GUIDE: Class Participation

| Assessment Criteria Your work will be assessed according to the extent of your: | Excellent = HD-D | Good = Credit | Satisfactory = Pass | Unsatisfactory = Fail |
|--|---|--|--|---|
| Preparation for class: Demonstrated by relevance of participation to general discussion | Has the capacity to notice important information in the readings and use it to build new arguments in class discussion and enhance learning in class | Uses information in the readings to help learning in the class discussion | Attempts to contribute to discussion but contributions show little real preparation eg repeats what other students have said, or blurts out comments that are not based on the readings | Has not prepared for class - eg does not contribute to class discussion, is not able to answer questions adequately when asked directly |
| Understanding and expressing abstract and complex ideas orally | Can articulate own position on the readings and evaluate the efficacy of the ideas from a number of standpoints and see differences in points of view | Can articulate own position and with assistance can synthesise different concepts or factors arising from the readings into a larger idea | Limited capacity to synthesise a number of ideas from the readings into a larger argument - analysis is descriptive and largely confined to the student's own point of view | Does not usually participate in class and when participation occurs responses are basic and factual |
| Assisting other class members by contributing to student learning | Elucidates complex ideas succinctly, building on the ideas expressed by others or distinguishing their own ideas | Some interaction with other students' views but does not integrate in discussion | Listens to other views but tend to paraphrase what other students have said | Does not usually participate in class, finds it difficult to articulate their own point of view or see another point of view |
| Expressing and countering arguments orally | Articulates a position supported by the readings, and is able to defend that position or is able to modify that position on the basis of alternative viewpoints on the readings; is able to effectively counter other student viewpoints basing their arguments on the readings | Expresses a position based on the readings, but may be unable to support or modify that position when challenged; attempts to counter other student viewpoints using the readings mainly | Can express a viewpoint that is not explicitly based on the readings and is unable to maintain or modify their own viewpoint; mainly uses personal opinion to counter other student viewpoints | Does not usually participate in class, has difficulty formulating own opinion or relating to another's opinion |
| Listening attentively and showing respect to other students participating in class | Independent thinker, takes initiative in discussion as well as co-operating effectively with others | Relates professionally to colleagues. Makes sound contributions to the discussion | Attempts to relate to colleagues and engage in discussion | Does not make an effort to relate to colleagues and engage in discussion |

RUBRICS FOR CLASS PARTICIPATION:

Excellent

Effective and frequent oral contribution, demonstrating evidence of reading and preparation, demonstrated enthusiasm to learn, not necessarily always knowing the right answers but seeking to develop understanding through questioning and trying out ideas. Thoughtful and insightful comment at times, going beyond the descriptive level. Contributions volunteered. Co-operative attitude in the group, takes an active role in discussions, and willingness to assist others in learning. Excellent attendance.

Good

Fairly frequent contribution, demonstrated enthusiasm to learn. Willingness to volunteer and have a go. Co-operative attitude in the group, takes an active role in discussions, and willingness to assist others in learning. Excellent attendance. Similar to above at a less exacting level.

Satisfactory

Moderate voluntary contribution, can usually respond when asked directly. Attends most of the time. Contribution mainly at the descriptive level but goes beyond on occasion. Makes some effort to participate in the group.

At risk/Unsatisfactory

Little to no contribution voluntarily, at times declines when asked directly. Insufficient participation for your tutor to be able to judge preparation, knowledge or understanding. Limited active role in group work.

MARKING GUIDE ASSIGNMENT 1: Research Essay

| Assessment Criteria | Exc. | Good | Sat. | Unsat. |
|---|------|------|------|--------|
| Your work will be assessed according to the extent of your: | | | | |
| <ul style="list-style-type: none"> Knowledge of the area and understanding of the issues arising in your area of research. | | | | |
| <ul style="list-style-type: none"> Research. Students may use the unit materials but are expected to research beyond these materials. Students are expected to determine for themselves how many additional references they need to support the development of their argument. Students will not be assessed on how much research they have done, but on how well they have used the research materials to advance their argument. | | | | |
| <ul style="list-style-type: none"> Depth of analysis and enquiry. Students are expected to deepen their analysis by moving beyond descriptive analysis of their research materials and develop their own argument. | | | | |
| <ul style="list-style-type: none"> Argument. Ideas drawn from the research materials should be synthesized in a systematic manner that clearly answers the question. | | | | |

| | | | | |
|---|--|--|--|--|
| <ul style="list-style-type: none"> • Coherent Structure. Systematic and coherent organisation of ideas in sentences/ paragraphs/sections. • Separate Introduction and Conclusion. • Use of headings is encouraged. | | | | |
| <ul style="list-style-type: none"> • Written Expression. Clear written expression, ideas structured in sentences, correct grammar/spelling | | | | |
| <ul style="list-style-type: none"> • Use of AGLC Style Guide for footnotes and bibliography | | | | |

RUBRICS FOR ASSIGNMENT 1: Research Essay

Excellent

An excellent essay is well-structured with an introduction setting out briefly what will be discussed in the paper (the issues to be discussed), including a summary of the basic argument and conclusion. The argument is developed in the main body of the essay and relates directly to the essay topic in response to the essay question. The argument is well-structured using headings. The student has understood, identified and discussed the main issues under each heading. The argument is coherent and demonstrates that the student has thought about and critically analysed the issues raised by the essay topic. The development of the argument synthesizes the student’s independent research and the student’s own views which can include references to the unit materials. The essay is written in language that is easy for the reader to understand and follow. The essay has a conclusion where the student summarises the argument in the essay, the main research findings, and considers possible areas for reform in the area. The student uses a consistent style in relation to footnotes and bibliography. The essay stays within the prescribed length.

Good

A good essay is structured using the same format described above: introduction; main body of the essay (separated by headings), conclusion, but a more loose approach to structure has been adopted (eg – no separate introduction or conclusion). The student has understood and identified many of the main issues relevant to the essay topic, however, the discussion of the issues and the development of the argument may not always be coherent or clear and sometimes there may be misunderstanding of the issues. The student may rely too much on the unit reading materials at the expense of expressing their own views or researching further into the topic. Conversely, the student may rely too much on their own views and not refer sufficiently to the work of others in order to develop a convincing argument. The student will demonstrate they have thought about the essay topic, but the student may pursue irrelevant issues. The student will have tried to answer the essay question, but written expression may sometimes get in the way of the reader fully understanding what the student is trying to say. The student uses a consistent style in relation to footnotes and bibliography. The essay stays within the prescribed length.

Satisfactory

A satisfactory essay is loosely structured (eg – no separate introduction or conclusion and no use of headings). The student has a basic understanding of the issues that the essay topic is raising and has identified some of the issues relevant to the essay topic, though not all of the content of the essay is relevant to the essay topic and some of the discussion of the issues is misconceived. The student has thought about the issues raised by the essay topic, but the approach may be too superficial and descriptive. Often the argument is based on mere assertion, rather than based on the unit reading materials or on independent research. The student will have thought about the essay topic and tried to answer the question, but the written expression is not coherent or clear, often making it difficult for the reader to follow the argument. The student approach to footnotes and bibliography is not consistent. The essay may not be within the prescribed length – is either too long or too short.

Unsatisfactory

An unsatisfactory essay demonstrates that the student has not understood the essay topic and much of the discussion in the paper is based on misconceived ideas. The student may have identified some of the main issues, but the discussion pursues too many irrelevant issues. The argument is mostly based on mere assertion. Very little references have been made to the work of other people. The student's written expression is poor and the argument difficult, if not impossible, to follow. The argument does not follow any coherent structure at all. The student has not adopted a consistent approach to footnotes, or has not included footnotes at all. There is no bibliography, or the bibliography is poorly set out.

MARKING GUIDE ASSIGNMENT 2: Hypothetical Problem Solving

General instructions

HIRAC: Apply the HIRAC rule: Heading; Issue, Rule, Application, Conclusion. Correct hypothetical technique requires you to identify the parties and the legal issues that arise between them, state the rule or principle of law which applies, identify the appropriate authorities, including competing authorities (cases, legislation ie primary sources only), determine which legal principles apply to your fact situation, consider policy considerations, and reach a reasoned and well argued conclusion on the likely outcome of the actions. Your ability to correctly identify the legal issues, your reasoning process, and ability to clearly and concisely state and apply correct legal principles, are more important than the conclusion you arrive at, since hypothetical problems are generally deliberately drafted to allow different views to be argued. But you need to state a conclusion for each hypothetical problem.

Hypotheticals **MUST** always be organised under headings. These headings will usually be the names of the parties to each action, in italics, with the plaintiff first eg *Jones v Smith* etc, and you may find it useful to group related actions together under sub headings such as cause of action, type of remedy, or major issue. This is a matter of judgment depending on the individual hypothetical. Do not use Issue, Rule etc as your headings. Set out the law once, and apply it to the various actions. Where you have insufficient facts or the facts are left open on a particular point, you must make sensible assumptions drawn from the facts, state what they are, and advise accordingly. Where more than one assumption is open, you need to consider both. You

must refer to relevant case law and legislation. Assume all facts occur in New South Wales in 2016.

| Assessment Criteria | Exc. | Good | Sat. | Unsat. |
|---|------|------|------|--------|
| Your work will be assessed according to the extent you: | | | | |
| <ul style="list-style-type: none"> Identify the parties (knowledge) | | | | |
| <ul style="list-style-type: none"> Identify the legal issues (knowledge) | | | | |
| <ul style="list-style-type: none"> Identify the legal principles that could apply to the fact situation (knowledge) | | | | |
| <ul style="list-style-type: none"> Determine how the principles apply to the fact situation and state clearly why you think these principles are relevant to the fact situation (analysis) | | | | |
| <ul style="list-style-type: none"> Consider any policy considerations/value judgments that may be relevant to the outcome (advanced analysis) | | | | |
| <ul style="list-style-type: none"> Reach a reasoned conclusion (analysis) | | | | |
| <ul style="list-style-type: none"> Structure your answers coherently, write clearly and in sentences, use correct grammar/spelling and written expression (style) | | | | |
| <ul style="list-style-type: none"> Use AGLC Style Guide for footnotes | | | | |

RUBRICS ASSIGNMENT 2: Hypothetical Problem Solving

Excellent

An excellent answer will be structured according to HIRAC and will apply that approach to each cause of action arising from the fact scenario. To that end, an excellent answer will identify all the relevant parties who have action/s in the claim/s and will identify the parties against whom action/s can be brought. For each claim of a party, the answer will identify all the relevant legal issues arising from the fact scenario that could attract a remedy. For each claim, the answer will identify all the relevant legal principles that could apply in resolving the legal issues. For each claim, the answer will determine which of the principles identified would apply and will give clear reasons why those principles would apply to the fact situation. For each claim, the answer will identify the relevant policy considerations that could affect the remedial outcome. For each claim, the answer will clearly state what will be the probable outcome. Overall the answer will be coherently structured, written clearly using full sentences, correct grammar, spelling and written expression. Footnotes will be in the correct AGLC format and the answer will be within the stated word length.

Good

A good answer has made a good attempt at applying HIRAC, but not systematically with respect to all causes of actions arising from the fact scenario. To that end, a good answer will identify almost all the relevant parties who have action/s in the claim/s and will identify almost all of the parties against whom action/s can be brought. However, for each claim identified, the answer may not identify all the relevant legal issues arising from the fact scenario that could attract a legal remedy and may have misconceived some of these. For each claim identified, the answer may not have identified all the relevant legal principles that could apply in resolving the legal issues and may have misconceived some of these. For each claim identified, the answer may not clearly determine which of the principles identified would apply and may not give clear reasons why they would apply to the fact situation. The reasoning could be slightly misconceived. For each claim identified, the answer may not identify all of the relevant policy considerations that could affect the remedial outcome and may misconceive some of them. For each claim identified, the answer may not clearly state what will be the probable outcome. Overall the answer may not be as coherently structured as it could be, it may not be entirely written using full sentences, correct grammar, spelling and written expression. Footnotes may not be entirely in the correct AGLC format and the answer may not entirely be within the stated word length.

Satisfactory

A satisfactory answer has attempted to apply HIRAC, but not in a very systematic way with respect to the causes of actions arising from the fact scenario. To that end, a satisfactory answer will identify most of the relevant parties who have action/s in the claim/s and will identify most of the parties against whom action/s can be brought. However, for each claim identified, the answer may not identify many of the relevant legal issues arising from the fact scenario that could attract a legal remedy and may have misconceived many of these. For each claim identified, the answer may not have identified many of the relevant legal principles that could apply in resolving the legal issues and may have misconceived many of these. For each claim identified, the answer may not clearly determine which principles would apply and may not give clear reasons why they should apply in the fact situation. The reasoning could be misconceived and difficult to understand. For each claim identified, the answer may not identify many of the relevant policy considerations that could affect the remedial outcome and may misconceive many of them. For each claim identified, the answer may not clearly state what will be the probable outcome. Overall the answer is not coherently structured, it is not written mainly using full sentences, correct grammar, spelling and written expression. Footnotes are not in the correct AGLC format and the answer is not within the stated word length.

Unsatisfactory

An unsatisfactory answer has made little attempt to apply HIRAC, and where it has the approach is not very systematic with respect to the causes of actions arising from the fact scenario. To that end, an unsatisfactory answer will identify only some of the relevant parties who have action/s in the claim/s and will identify only some of the parties against whom action/s can be brought. However, for each claim identified, the answer may only identify some of the relevant legal issues arising from the fact scenario that could attract a legal remedy and may have misconceived most of these. For each claim identified, the answer may only have identified some of the relevant legal principles that could apply in resolving the legal issues and may have

misconceived most of these. For each claim identified, the answer may miss determining which principles would apply and/or does not give clear reasons why they should apply in the fact situation. The reasoning is very misconceived and very difficult to understand. For each claim identified, the answer fails to identify many of the relevant policy considerations that could affect the remedial outcome and may misconceive most of them. For each claim identified, the answer may not state what will be the probable outcome. Overall the answer is incoherently structured, it is not written using full sentences, correct grammar, spelling and written expression. Footnotes are not in the correct AGLC format and the answer is not within the stated word length.

Assessment Tasks

| Name | Weighting | Due |
|-------------------------------------|-----------|------------------------|
| Class Participation | 20% | Ongoing |
| Assignment 1 | 40% | 28 December 2015, 12pm |
| Assignment 2 | 40% | 18 January 2016, 12pm |

Class Participation

Due: **Ongoing**

Weighting: **20%**

Class Participation:

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 a range of 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: **28 December 2015, 12pm**

Weighting: **40%**

Assignment 1: a research essay based on Topics in the areas of Alternative Dispute Resolution, Public Law Remedies, Restorative Justice, or Reparations for Human Rights Abuses. 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 a range of 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

Assignment 2

Due: **18 January 2016, 12pm**

Weighting: **40%**

Assignment 2: a hypothetical based on Remedies in Torts, Contracts, 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 a range of 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

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 S3 2014 - Schedule | | |
|------------------------------------|-------|---|
| Mon/Tuesday 14/15 Dec 15 | | Lecture/Materials covered |
| 9-10 | | Lecture 1 Introduction to the Unit & Overview Theory of Remedies |
| 10-11 | | Lecture 2 Alternative (Appropriate) Dispute Resolution |
| 11-12 | | Lecture 3 Public Law Remedies |
| 12-1 | | Lecture 4 Restorative Justice |
| 1-2 | Lunch | |
| 2-3 | | Lecture 5 International Human Rights law and reparations for HR violations |
| 3-4 | | Lecture 6 Self Help in Torts/Damages for Personal Injury |
| 4-5 | | Lecture 7 Damages for Personal Injury ctd |
| | | |
| Mon/Tues 11/12 Jan 2016 | | |
| 9-10 | | Overview & re-cap of Self Help in Torts/Damages for Personal Injury |
| 10-11 | | Lecture 8 General Principles of Compensation in Tort |

| | | |
|-------|-------|---------------------------------|
| 11-12 | | Lecture 9 Contract/Equity 1 |
| 12-1 | | Lecture 10 Contract/Equity 2 |
| 1-2 | Lunch | |
| 2-3 | | Lecture 11 Contract/Equity 3 |
| 3-4 | | Lecture 12 Restitution |
| 4-5 | | Wrap Up |

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/

Results

Results shown in *iLearn*, 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.

Macquarie Law School Assessment Policy

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.”

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

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 a range of arguments, drawing on law, policy, theoretical and/or ethical considerations, about remedies and their effectiveness

Assessment task

- Assignment 1

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

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

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

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 a range of 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

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 a range of 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

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 a range of 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

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 a range of arguments, drawing on law, policy, theoretical and/or ethical considerations, about remedies and their effectiveness

Assessment task

- Assignment 1

Changes from Previous Offering

This unit involves a change in Unit Convenor. The assessment scheme has also been changed - class participation has been added and there will only be 1 instead of 2 hypothetical problem assessments.

The lectures for this unit were pre-recorded in S1 2015 and the lecture order has been changed. Students should consult the Unit Schedule and prepare tutorial questions for classes and written assignments according to the new lecture regime.