



ACCG889

Loss and Damage and other Dispute Engagements

S2 Weekend 2019

Dept of Accounting & Corporate Governance

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General Information

Unit convenor and teaching staff

Convenor - Lecturer

Vladimir Chugunov

vladimir.chugunov@mq.edu.au

Moderator

Dominic Soh

dominic.soh@mq.edu.au

Credit points

4

Prerequisites

Admission to MCom or GradDipForAccg

Corequisites

Co-badged status

Unit description

This unit covers the legal context within which damages can be quantified and the various methods applied to quantify the amount recoverable. Damages for breach of contract, negligence and other torts, and misleading or deceptive conduct, are investigated. The unit also covers other financial remedies such as account of profits and statutory compensation, the specialised areas of insurance claims and family law, and the preparation and use of expert witness reports. Students will learn issues relating to loss and damage and other dispute engagements using case studies. This unit develops graduate capabilities centered upon critical and analytical thinking, research and problem solving capability and develops students' ability to make personal judgements. The unit is delivered in intensive mode over the first seven weeks of the session.

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:

Understand the legal principles relevant to the quantification of damages.

Identify and apply techniques commonly used in the quantification of damages.

Recognise the distinction between damages and other financial remedies.

Understand and interpret relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law.

Appraise and evaluate issues relevant to the preparation and use of experts reports.

General Assessment Information

Expected Workload - Activities	Hours
Seminars including preparation, and self-study	50
Assessment Task 1 (Class Test 1)	20
Assessment Task 2 (Class Test 2)	20
Assessment Task 3 (Assignment)	30
Assessment Task 4 (Assessed Coursework [Participation])	30
TOTAL	150

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Test 1</u>	20%	No	14/09/19
<u>Class Test 2</u>	20%	No	26/10/19
<u>Assignment</u>	30%	No	19/10/19
<u>Assessed Coursework</u>	30%	No	Ongoing

Class Test 1

Due: **14/09/19**

Weighting: **20%**

The test will be administered in your seminar class on 14 September 2019.

No extensions will be granted. This penalty does not apply for cases in which a **Special Consideration application** is made and **approved**.

See Assessment Guide on iLearn for more information.

On successful completion you will be able to:

- Understand the legal principles relevant to the quantification of damages.
- Identify and apply techniques commonly used in the quantification of damages.

- Recognise the distinction between damages and other financial remedies.

Class Test 2

Due: **26/10/19**

Weighting: **20%**

The test will be administered in your seminar class on 26 October 2019.

No extensions will be granted. This penalty does not apply for cases in which a **Special Consideration application** is made and **approved**.

See Assessment Guide on iLearn for more information.

On successful completion you will be able to:

- Identify and apply techniques commonly used in the quantification of damages.
- Understand and interpret relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law.
- Appraise and evaluate issues relevant to the preparation and use of experts reports.

Assignment

Due: **19/10/19**

Weighting: **30%**

This assessment task will require students to analyse relevant issues and show evidence of research. It must be **submitted via iLearn/Turnitin no later than 2 pm on Saturday 19/10/2019**.

No extensions will be granted. Late tasks will be accepted up to 48 hours after the submission deadline. There will be a deduction of 10% of the total available marks made from the total awarded mark for each 24 hour period or part thereof that the submission is late (for example, 25 hours late in submission – 20% penalty). This penalty does not apply for cases in which a **Special Consideration application** is made and **approved**.

See Assessment Guide on iLearn for more information.

On successful completion you will be able to:

- Understand the legal principles relevant to the quantification of damages.
- Identify and apply techniques commonly used in the quantification of damages.
- Recognise the distinction between damages and other financial remedies.

Assessed Coursework

Due: **Ongoing**

Weighting: **30%**

Assessed coursework involves active participation in class including preparation, attendance and contribution to class discussion. Students will be required to respond to both verbal and written questions. There will be a number of activities, including short assignments, assigned during the unit.

On successful completion you will be able to:

- Understand the legal principles relevant to the quantification of damages.
- Identify and apply techniques commonly used in the quantification of damages.
- Recognise the distinction between damages and other financial remedies.
- Understand and interpret relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law.
- Appraise and evaluate issues relevant to the preparation and use of experts reports.

Delivery and Resources

Students are required to attend face-to-face seminars. The timetable for classes is on the University website at <http://www.timetables.mq.edu.au/>

TEXTS AND MATERIALS

Recommended Reference Books:

Covell, L.& P., 2018. Covell & Lupton Principles of Remedies 7e 2018.

Luntz, H., 2017. Assessment of damages for personal injury and death: General Principles / Harold Luntz. Sydney: Butterworths.

Crain, M., Hopwood, W., Pacini, C., Young G. 2015. Essentials of forensic accounting. Wiley.

Crumbley, D., Heitger, L., Smith, G. 2017. Forensic and Investigative Accounting (8th Edition), Wolters Kluwer. ISBN: 9780808046240

Hoffman, R., Finney, W., Cox, P., Cooper, K. 2013. The Accountant as an Expert Witness: A Basic Guide to Forensic Accounting, 2nd edition, CCH Australia.

TECHNOLOGY USED AND REQUIRED

Students are expected to have: Proficiency in Word, Excel and Powerpoint.

Knowledge of Macquarie University iLearn - for downloading lecture materials, etc.

Knowledge of the library research databases - for accessing additional research material.

Access to a personal computer to be able to access iLearn and submit completed assessment material online.

UNIT WEB PAGE

Course content is available in the learning management system (iLearn). The web page for this unit is at <http://mq.edu.au/iLearn/index.htm>

Unit Schedule

Date	Topic	Readings
10/08	Introduction to loss and damages. The legal principles and accounting techniques; distinctions between tort, contract, and statute; causation and the causal chain; remoteness; mitigation; contributory negligence	Covell
24/08	Commercial and economic damages – expectation and reliance damages; the impact of statute	Covell Crumbley 10, 12 Crain 14
31/08	Quantifying damages and other financial remedies including loss of opportunity claims	To be advised
14/09	Issues relevant to quantifying loss in intellectual property disputes including account of profits claims; the impact of tax, interest, depreciation, and apportionment	To be advised
5/10	Forensic accounting valuation issues and principles in family law matters; personal injury calculations; discounting; insurance	Luntz
19/10	Cybercrime management and loss valuations	Crumbley 15, 16
26/10	Role of experts; issues relating to the preparation and use of experts reports; giving evidence; client interaction	Hoffman

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). 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](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway \(htt](#)

[ps://students.mq.edu.au/support/study/student-policy-gateway](https://students.mq.edu.au/support/study/student-policy-gateway)). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

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

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit 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.

Graduate Capabilities

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Understand the legal principles relevant to the quantification of damages.
- Identify and apply techniques commonly used in the quantification of damages.
- Recognise the distinction between damages and other financial remedies.
- Understand and interpret relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law.
- Appraise and evaluate issues relevant to the preparation and use of experts reports.

Assessment tasks

- Class Test 1
- Class Test 2
- Assignment
- Assessed Coursework

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Identify and apply techniques commonly used in the quantification of damages.
- Understand and interpret relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law.
- Appraise and evaluate issues relevant to the preparation and use of experts reports.

Assessment tasks

- Class Test 1
- Class Test 2
- Assignment
- Assessed Coursework

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Identify and apply techniques commonly used in the quantification of damages.
- Understand and interpret relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law.
- Appraise and evaluate issues relevant to the preparation and use of experts reports.

Assessment tasks

- Class Test 1
- Class Test 2
- Assignment
- Assessed Coursework