



# LAWS5000

## Remedies, Reparations and Resolution in Law

Session 3, Infrequent attendance, North Ryde 2021

*Macquarie Law School*

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#### **Disclaimer**

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#### **Session 2 Learning and Teaching Update**

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

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Visit the [MQ COVID-19 information page](#) for more detail.

## General Information

Unit convenor and teaching staff

Convenor and Lecturer

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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

### Marking Rubrics

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.

### Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

### Special Consideration

In the absence of a successful application for special consideration, any assessment task submitted after seven (7) days will not be graded and will receive a mark of zero. Applications for special consideration are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the Special Consideration policy for complete details of the policy and a description of the supporting documentation required.

### Word Limits

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

## Assessment Submission

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

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Research Essay</a>	30%	No	20 December 2021
<a href="#">Participation</a>	20%	No	ongoing
<a href="#">Hypothetical Problems</a>	50%	No	18 January 2022

### Research Essay

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

Indicative Time on Task <sup>2</sup>: 25 hours

Due: **20 December 2021**

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.

### Participation

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

Indicative Time on Task <sup>2</sup>: 12 hours

Due: **ongoing**

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.

## Hypothetical Problems

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

Indicative Time on Task <sup>2</sup>: 30 hours

Due: **18 January 2022**

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

Lectures commence in Week 1. Lectures will be available on iLearn prior to week 1.

Lectures will be pre-recorded (see iLearn for instructions).

Discussion questions for each tutorial will be available on the iLearn page for the unit.

You will find the required reading list in the online unit available at [ilearn.mq.edu.au](http://ilearn.mq.edu.au).

The Required Text is: Covell & Lupton *Principles of Remedies*, 7th edition (LexisNexis, 2018). 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.

The unit will be delivered via recorded lectures for each topic plus attendance in semi block tutorials. You will be required to attend a three hour tutorial/seminar in weeks beginning

6 December 2021

13 December 2021

3 January 2022 (3 Jan is a public holiday - please see iLearn for alternative arrangements)

10 January 2022

## Unit Schedule

Week one - modules 1-3: Introduction, Torts

Week Two - modules 4-6: Contracts, Equity

Week Three - modules 7-9: Equity, International Law

Week Four - Modules 10-12: Competition and Consumer Law, Apologies, Summary.

## 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](#)

- [Grade Appeal Policy](#)
- [Complaint Management 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)

## 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](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [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

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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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.