



# LAWS8027

## Law of Obligations III - Remedies

Session 1, Weekday attendance, North Ryde 2021

*Macquarie Law School*

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#### Disclaimer

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#### Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

Convenor

Uche Ngwaba

Contact via Via iLearn

Thursday 12.00 (please make an appointment).

Credit points

10

Prerequisites

(LAWS803 or LAWS8030) and (LAWS806 or LAWS8006)

Corequisites

Co-badged status

Unit description

Remedies brings the doctrinal private law areas of tort, contract and equity together, providing an analytical framework for exploring the interrelationship between rights and liabilities analysed in these areas and the remedies that are available to enforce them. Students will comprehensively compare the remedies available in common law (contract and tort) and equity and the effects of statute on these remedial responses. Remedies is organised according to self-help remedies, such as rescission, and judicial remedies, with the latter categorised according to (i) clarification of rights and pre-trial orders; (ii) monetary orders underpinned by the goals of compensation or gains-based recovery; (iii) punishment and (iv) coercion. This unit 'closes the circle,' bringing together the disparate elements of previous doctrinal units, refreshing, consolidating and extending prior study as a bridge into legal practice. Having a coherent understanding of the different remedial possibilities enables a practitioner to start with the client's desired outcome and work back to select the appropriate cause(s) of action. It also serves as a bridge between the identification of private law rights and liabilities and the practicalities of litigation to obtain the appropriate judicial order, a matter developed in subsequent units dealing with the rules of evidence and practice and procedure.

## 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:** Demonstrate a detailed and thorough knowledge of legal principles relating to the law on remedies.

**ULO2:** With reference to a range of common law, equitable and statutory remedies, identify and propose reforms for a more just remedial system of law.

**ULO3:** Analyse complex factual situations involving different types of remedies and apply relevant legal principles to solving complex legal problems.

**ULO4:** Formulate, present and evaluate oral and written arguments on theoretical issues, drawing upon relevant legal authorities and policy considerations.

## General Assessment Information

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - two (2) marks out of 100 will be deducted per day for assignments submitted after the due date - and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments - e.g. quizzes, online tests.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Research Essay</a>	30%	No	6 April 2021
<a href="#">Hypothetical Problems</a>	50%	No	5 June 2021
<a href="#">Participation in-class</a>	10%	No	23 April 2021 (Quiz)
<a href="#">Participation on-line</a>	10%	No	Week 13

### Research Essay

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

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

Due: **6 April 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:

- Demonstrate a detailed and thorough knowledge of legal principles relating to the law on

remedies.

- Formulate, present and evaluate oral and written arguments on theoretical issues, drawing upon relevant legal authorities and policy considerations.

## Hypothetical Problems

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

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

Due: **5 June 2021**

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:

- Demonstrate a detailed and thorough knowledge of legal principles relating to the law on remedies.
- With reference to a range of common law, equitable and statutory remedies, identify and propose reforms for a more just remedial system of law.
- Analyse complex factual situations involving different types of remedies and apply relevant legal principles to solving complex legal problems.
- Formulate, present and evaluate oral and written arguments on theoretical issues, drawing upon relevant legal authorities and policy considerations.

## Participation in-class

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

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

Due: **23 April 2021 (Quiz)**

Weighting: **10%**

This individual component is worth 10% of students grade. Students will be assessed on their informed participation in weekly discussions, role plays, debates and other in class activities.

On successful completion you will be able to:

- Demonstrate a detailed and thorough knowledge of legal principles relating to the law on remedies.

- With reference to a range of common law, equitable and statutory remedies, identify and propose reforms for a more just remedial system of law.
- Analyse complex factual situations involving different types of remedies and apply relevant legal principles to solving complex legal problems.
- Formulate, present and evaluate oral and written arguments on theoretical issues, drawing upon relevant legal authorities and policy considerations.

## Participation on-line

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

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

Due: **Week 13**

Weighting: **10%**

Students will post 2 times in total during the semester: Questions that have occurred as a result of listening to the weekly lectures, or from the material covered in tutorials; an answer to the question, based on research into the weekly readings/resources and a justification for the answer.

On successful completion you will be able to:

- Demonstrate a detailed and thorough knowledge of legal principles relating to the law on remedies.
- With reference to a range of common law, equitable and statutory remedies, identify and propose reforms for a more just remedial system of law.
- Analyse complex factual situations involving different types of remedies and apply relevant legal principles to solving complex legal problems.
- Formulate, present and evaluate oral and written arguments on theoretical issues, drawing upon relevant legal authorities and policy considerations.

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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

Each week consists in:

- Readings.
- Online lectures: beginning in Week 1. Lectures will be pre-recorded (see iLearn for instructions).
- A one hour tutorial: These begin in Week 2. Tutorial content will cover the topic from the previous week's lectures. You must prepare your responses in advance. The content and questions for the tutorial can be downloaded from iLearn. Tutorials are assessed for participation.

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

## 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](mailto: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](mailto: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.