



ACCG8089

Loss and Damage and other Dispute Engagements

Session 1, Special circumstances 2021

Department of Accounting & Corporate Governance

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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

Unit Convenor

Vladimir Chugunov

vladimir.chugunov@mq.edu.au

see iLearn

Moderator

Rahat Munir

rahat.munir@mq.edu.au

Credit points

10

Prerequisites

ACCG611 or ACCG6011 or (admission to GradDipForAccg or MForAccgFinCri)

Corequisites

Co-badged status

Unit description

This unit covers the legal context in which damages and other financial remedies can be quantified. Students will analyse the role of the forensic accountant in the assessment and calculation of loss and damage in relation to negotiation and litigation of disputes. Areas covered include damages for breach of contract, and in negligence, together with the application of other financial remedies such as an account of profits. The unit also focuses on loss and damage in relation to specialised areas such as intellectual property disputes. By the conclusion of the unit students will have developed a good understanding of the legal principles underpinning the quantification of damages and will be able to use and apply relevant techniques in relation to the assessment and calculation of damages and other financial remedies.

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: Examine the legal principles relevant to the quantification of damages.

ULO2: Identify and apply techniques commonly used in the quantification of damages.

ULO3: Differentiate between damages and other financial remedies.

ULO4: Analyse relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law

ULO5: Investigate and review issues relevant to the preparation and use of experts reports in the context of the calculation and quantification of damages.

General Assessment Information

To complete this unit satisfactorily, students must attempt all components of the assessments and obtain a minimum aggregate grade of 50%.

LATE SUBMISSIONS

Late assessment must also be submitted through Turnitin. No extensions will be granted. 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 incurs a 20% penalty). Late submissions will not be accepted after solutions have been discussed and/or made available. This penalty does not apply for cases in which an application for Special Consideration is made and approved. Note: applications for Special Consideration Policy must be made within 5 (five) business days of the due date and time.

Assessment Tasks

Name	Weighting	Hurdle	Due
Participation	20%	No	Weekly
Assignment	40%	No	Week 13
Online Class Test 1	20%	No	Week 5
Online Class Test 2	20%	No	Week 11

Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 20 hours

Due: **Weekly**

Weighting: **20%**

This assessment involves evidence of preparation for, participation in, and contribution to seminar discussion and may include presentations, questions or written exercises.

On successful completion you will be able to:

- Examine the legal principles relevant to the quantification of damages.
- Identify and apply techniques commonly used in the quantification of damages.
- Differentiate between damages and other financial remedies.
- Analyse relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law

Assignment

Assessment Type ¹: Essay

Indicative Time on Task ²: 30 hours

Due: **Week 13**

Weighting: **40%**

Students will be required to analyse an aspect, or aspects, of the unit and relate this analysis to the quantification of loss and damage. The submission must not exceed 2500 words, must be clear and concise, refer to relevant law, show evidence of research and address the issues central to the topic/task.

On successful completion you will be able to:

- Examine the legal principles relevant to the quantification of damages.
- Identify and apply techniques commonly used in the quantification of damages.
- Differentiate between damages and other financial remedies.
- Analyse relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law

Online Class Test 1

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 15 hours

Due: **Week 5**

Weighting: **20%**

The test may include one, or a combination, of the following types of assessment: multiple-choice questions, true/false questions, short answer style questions.

On successful completion you will be able to:

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

Online Class Test 2

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 20 hours

Due: **Week 11**

Weighting: **20%**

The test may include one, or a combination, of the following types of assessment: multiple-choice questions, true/false questions, short answer style questions.

On successful completion you will be able to:

- Analyse relevant issues in the assessment of damages and the calculation of compensation in relation to specific areas including intellectual property, insurance, and family law
- Investigate and review issues relevant to the preparation and use of experts reports in the context of the calculation and quantification of damages.

¹ 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.

² 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

Students are required to attend online seminars. The timetable for classes is available at www.timetables.mq.edu.au

TEXTS AND MATERIALS

Recommended Reference Books:

Filler, M & DiGabriele, JA 2012, *A quantitative approach to commercial damages applying statistics to the measurement of lost profits*, 1st edition, Wiley, Hoboken, N.J. (full text available online: https://multisearch.mq.edu.au/permalink/61MACQUARIE_INST/1c87tk9/)

alma99244736063802171)

Guralnick, M, 2020, *Formulas for Calculating Damages*, Second Edition / ABA Book Publishing.

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.

There will be supplemental readings and materials available on the unit website.

TECHNOLOGY USED AND REQUIRED

Students are expected to be proficient in Word, Excel and PowerPoint. Knowledge of Macquarie University iLearn - for downloading lecture materials, etc. Knowledge of the library.

Unit Schedule

Week of session	Topic	Recommended readings
1, 2	Introduction to loss and damages. The legal principles and accounting techniques; distinctions between tort, contract, and statute; causation and the casual chain; remoteness; mitigation; contributory negligence	Covell
3, 4	Commercial and economic damages – expectation and reliance damages; the impact of statute	Crumbley 10, 12, Filler
5, 6	Quantifying damages and other financial remedies including loss of opportunity claims	See iLearn
7, 8	Issues relevant to quantifying loss in intellectual property disputes including account of profits claims; the impact of tax, interest, depreciation, and apportionment	See iLearn
9, 10, 11	Personal injury calculations	Luntz
12	Cybercrime management and loss valuations	Crumbley 15, 16
13	Role of experts: issues relating to the preparation and use of expert reports	Hoffman

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 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 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

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.