



# LAW 555

## Remedies, Reparations and Resolution in Law

S3 External 2013

*Macquarie Law School*

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## General Information

Unit convenor and teaching staff

Unit Convenor

Timothy FitzPatrick

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Credit points

3

Prerequisites

12cp in LAW units at 200 level(P) and 12cp in LAW units at 300 level(P)

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 principle 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 oral and written arguments, drawing on law, policy, theoretical and 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 to achieve

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Class Participation</u></a>	25%	Ongoing
<a href="#"><u>Assignment 1</u></a>	30%	31 December 2013
<a href="#"><u>Assignment 2</u></a>	45%	31 January 2014

### Class Participation

Due: **Ongoing**

Weighting: **25%**

Class Participation: preparation and understanding of prescribed materials. The ability to understand and respond in an oral communication context.

On successful completion you will be able to:

- Demonstrate a thorough understanding of legal principle 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 oral and written arguments, drawing on law, policy, theoretical and 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 to achieve

### Assignment 1

Due: **31 December 2013**

Weighting: **30%**

Answering a hypothetical problem or problems demonstrating a high level of understanding and application of the relevant legal principles (covering Topics 1 to 6).

On successful completion you will be able to:

- Demonstrate a thorough understanding of legal principle 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 oral and written arguments, drawing on law, policy, theoretical and 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 to achieve

## Assignment 2

Due: **31 January 2014**

Weighting: **45%**

Answering a hypothetical problem or problems demonstrating a high level of understanding and application of the relevant legal principles (covering Topics 7 to 12).

On successful completion you will be able to:

- Demonstrate a thorough understanding of legal principle 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 oral and written arguments, drawing on law, policy, theoretical and 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 to achieve

## **Delivery and Resources**

You will find all resources and required reading list in the online unit available at [ilearn.mq.edu.au](http://ilearn.mq.edu.au) which you can download. But it's here too:



# LAW 555

REMEDIES, REPARATIONS and  
RESOLUTION IN LAW

3 Credit points

READING LIST

Semester 3, 2013

*MACQUARIE LAW SCHOOL*

## TUTORIAL 1

### Theory of Remedies

#### Required (Essential) reading:

John Austin, *Lectures on Jurisprudence or the Philosophy of Positive Law* (John Murray, 5<sup>th</sup> ed rev by Robert Campbell, 1885) 'Lecture XLV' 760-772.

Available on iLearn.

*Photo Production Ltd v Securicor Transport Ltd* [1981] 1 All ER 556 (HL).

Available through the Library databases: Casebase or LexisNexis AU.

Although we are concerned with Lord Diplock's judgement, read all the case for the facts and the issue.

*Harris v Digital Pulse Pty Ltd* (2003) 56 NSWLR 298 (NSWCA).

Available through the Library databases: FirstPoint or Legal online.

**Don't read all this case.** We are interested in the issue of whether exemplary damages can be awarded in Equity for the breach of a fiduciary duty. Read the facts then use the citations in the headnotes to find the key paragraphs and read them (also browse either side of those paragraphs).

Ernest J Weinrib, "Corrective Justice in a Nutshell" (2002) 52 University of Toronto Law Journal 349.

Available through the Library's Journal Finder or through the Library database: HeinOnline.

## **TUTORIAL 2**

### **Pre-trial Trial Resolution/Alternative Dispute Resolution**

#### **Required (Essential) reading:**

Michael King, Arie Freiberg, Becky Batagol and Ross Hyams, *Non-Adversarial Justice* (Federation Press, 2009) 'Chapter 7 ADR: Appropriate or Alternative Dispute Resolution' 88-123.

Available through e-Reserve.

A very good review article.

*Civil Dispute Resolution Act 2011* (Cth).

Link: <http://www.comlaw.gov.au/Details/C2011A00017/Download>.

#### **Recommended reading:**

*United Group Rail Services Ltd v Rail Corporation NSW* [2008] NSWSC 1364.

Link: <http://www.austlii.edu.au/au/cases/nsw/NWSC/2008/1364.html>.



Note here the elaborate dispute resolution process and the legal issues raised.

*United Group Rail Services Ltd v Rail Corporation NSW* (2009) 74 NSWLR 618.

Available through the Library databases: FirstPoint or Legal online.

Court of Appeal decision (considers good faith).

Edward C Rosenthal, *The Complete Idiot's Guide to Game Theory* (Alpha, 2011) 26-28.

Going to trial is not always the best strategy.

Stephen Bottomley and Simon Bronitt, *Law in Context* (Federation Press, 5<sup>th</sup> ed, 2012) 'Chapter 6 Litigation (d) Civil Litigation' 233-243.

Tania Sourdin, *Alternative Dispute Resolution* (Thomson Reuters (Lawbook Co), 4<sup>th</sup> ed, 2012).

*Civil Procedure Act 2005* (NSW) Part 2A Steps to be taken before the commencement of proceedings (ss 18A-18O).

This has now been repealed but it is worth looking at to see the matters addressed by pre-litigation requirements.

## **TUTORIAL 3**

### **Damages for Personal Injury**

**Required (Essential) reading:**

Steve Hedley, “Remedies: the Key to the Common Law System?” in Jeff Berryman and Rick Bigwood, *The Law of Remedies: New Directions in the Common Law* (Irwin Law, 2<sup>nd</sup> ed, 2010) 305-321.

Available through e-Reserve.

Carolyn Sappideen, Prue Vines, Helen Grant and Penelope Watson, *Torts: Commentary and Materials* (Thomson Reuters (Lawbook), 11<sup>th</sup> ed, 2012) 549-619.

Available through e-Reserve.

*Civil Liability Act 2002* (NSW)

Link: <http://www.legislation.nsw.gov.au/inforcepdf/2002-22.pdf?id=99df75df-2507-e904-d42c-b3429fbaaccf>.

**Recommended reading:**

Wayne Covell, Keith Lupton and Jay Forder, *Covell and Lupton Principles of Remedies* (LexisNexis Butterworths, 5<sup>th</sup> ed, 2012) 59-89 (and 32-33).

This textbook covers the court remedies. You may find it helpful for the topics covered in Lectures/Tutorials 3 to 8 . This recommendation is not without reservations; for example, it does not cover damage to property sufficiently.

Dominic Villa, *Annotated Civil Liability Act 2002* (Thomson Reuters (Lawbook), 2<sup>nd</sup> ed, 2013)

A thorough section-by-section treatment of the CLA. Just out.

## **TUTORIAL 4**

### **Damages for Defamation and for Property and Economic Loss**

#### **Required (Essential) reading:**

Michael Tilbury, Michael Gillooly, Elise Bant and Normann Witzleb, *Remedies: Commentary and Materials* (Thomson Reuters (Lawbook), 5<sup>th</sup> ed, 2011) 357-418.

Available through e-Reserve.

## **TUTORIAL 5**

### **Damages for Breach of Contract; Actions for Contractual Fixed Sum; and Rescission**

#### **Required (Essential) reading:**

Peter Radan, *Common Law Damages for Breach of Contract*

Available on ilearn.

Peter Radan, *Actions for Contractual Fixed Sum and Debt*

Available on ilearn.

Peter Radan, *Rescission*

Available on ilearn.

## **TUTORIAL 6**

### **Restorative Justice – Focus: Youth Justice Conferencing Scheme**

#### **Required (Essential) reading:**

Carrie Menkel-Meadow, 'Restorative Justice: What Is It and Does It Work?' (2007) 3 *Annual Review of Social Science* 161, 161-187.

Available through the Library's Journal Finder.

A thorough review article.

*Young Offenders Act 1997* (NSW).

Link: <http://www.legislation.nsw.gov.au/inforcepdf/1997-54.pdf?id=6c5a8835-7b4d-c508-b5aa-d79a1748d7a8>.

NSW Department of Juvenile Justice, *A Guide to Youth Justice Conferencing*.

Link: [http://www.djj.nsw.gov.au/pdf\\_hm/publications/yjc/YJCBrochure.pdf](http://www.djj.nsw.gov.au/pdf_hm/publications/yjc/YJCBrochure.pdf).

NSW Department of Juvenile Justice: Video of a conference.

Link: [http://www.djj.nsw.gov.au/conferencing\\_video.htm](http://www.djj.nsw.gov.au/conferencing_video.htm).

Isabel Taussig *Youth Justice Conferences: participation profile and conference characteristics* (Crime and Justice Statistics Bureau Brief, Issue paper no.75 February 2012), NSW Bureau of Crime Statistics and Research, 2012.

Link: [http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/BB75.pdf/\\$file/BB75.pdf](http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/BB75.pdf/$file/BB75.pdf).

Paul Wagland, Bianca Blanch and Elizabeth Moore, *Participant satisfaction with Youth Justice Conferencing* (Crime and Justice Bulletin, Contemporary Issues in Crime and Justice Number 170, June 2013), NSW Bureau of Crime Statistics and Research, 2013.

Link:

[http://www.bocsar.nsw.gov.au/agdbasev7wr/\\_assets/bocsar/m71685412/cjb170.pdf](http://www.bocsar.nsw.gov.au/agdbasev7wr/_assets/bocsar/m71685412/cjb170.pdf)

Nadine Smith and Don Weatherburn, *Youth Justice Conferences versus Children's Court: A comparison of re-offending* (Crime and Justice Bulletin, Contemporary Issues in Crime and Justice Number 160, February 2012), NSW Bureau of Crime Statistics and Research, 2012.

Link: [http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/CJB160.pdf/\\$file/CJB160.pdf](http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB160.pdf/$file/CJB160.pdf).

Skip over the technical stuff.

Andrew Webber, *Youth Justice Conferences versus Children's Court: A comparison of cost-effectiveness* (Crime and Justice Bulletin, Contemporary Issues in Crime and Justice Number 164, August 2012), NSW Bureau of Crime Statistics and Research, 2012.

Link: [http://www.lawlink.nsw.gov.au/Lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/CJB164.pdf/\\$file/CJB164.pdf](http://www.lawlink.nsw.gov.au/Lawlink/bocsar/ll_bocsar.nsf/vwFiles/CJB164.pdf/$file/CJB164.pdf).

### Highly recommended reading:

Gordon Bazmore and Lode Walgrove, 'Restorative Juvenile Justice: In Search of Fundamentals and an Outline for Systematic Reform' in Gordon Bazmore and Lode Walgrove, *Juvenile Justice: Repairing the Harms of Youth Crime* (Willowtree Press, 2009) 45-74.

A good consideration of the notion of restorative justice and its applicability to youth crime and justice.

Available through e-Reserve.

Michael King, Arie Freiberg, Becky Batagol and Ross Hyams, *Non-Adversarial Justice* (Federation Press, 2009) 'Chapter 3 Restorative Justice' 39-64.

"[A] general introduction to restorative justice and... [a discussion]... of its application within domestic and international justice systems."

Jane J Bolitho, 'Restorative Justice: The Ideals and Realities of Conferencing for Young People' (2012) 20 *Critical Criminology* 61, 61-78.

Available through the Library's Journal Finder.

Lily Trimboli, *An evaluation of the NSW Youth Justice Conferencing Scheme* (Legislative Evaluation Series No.12), NSW Bureau of Crime and Statistics, 2000.

Link: [http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/L12.pdf/\\$file/L12.pdf](http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/L12.pdf/$file/L12.pdf).

This contains an outline of the scheme.

### **Recommended reading:**

Kevin Minor and J T Morrison, "A Theoretical Study of Restorative Justice" in Burt Galloway and Joe Hudson, *Restorative Justice: International Perspectives* (New York Criminal Justice Press, 1996) 117-133.

Concentrate on the Foucauldian perspective at 125-129 and 130.

## **TUTORIAL 7**

### **Specific Performance; and Injunctions**

#### **Required (Essential) reading:**

Peter Radan, *Specific Performance*.

Available on ilearn.

Peter Radan, *Injunctions*

Available on ilearn.

## **TUTORIAL 8**

### **Equitable Compensation and Damages; Mareva and Anton Piller Orders; and Declarations**

**Required (Essential) reading:**

Peter Radan, *Equitable Compensation and Damages*.

Available on ilearn.

Peter Radan, *Mareva and Anton Piller Orders*

Available on ilearn.

Peter Radan, *Declarations*.

Available on ilearn.

## **TUTORIAL 9**

### **Restitution for Unjust Enrichment and Wrongs**



**Required (Essential) reading:**

Wayne Covell, Keith Lupton & Jay Forder *Covell and Lupton Principles of remedies* (LexisNexis Butterworths, 5th ed, 2012) Chapter 4 Restitution, 131-180.

Available through e-Reserve.

Timothy Michael Fitzpatrick, *Restitution for Unjust Enrichment and Wrongs*.

Available on ILearn.

Revised transcript of lecture from Session 1. You may find this easier to understand (and more bearable) than the audio.

## **TUTORIAL 10**

### **Constructive Trusts**

**Required (Essential) reading:**

Peter Radan and Cameron Stewart, *Principles of Australian Equity and Trusts* (LexisNexis Butterworths, 2<sup>nd</sup> ed, 2013) “28 Constructive Trusts” 649-708.

Available through e-Reserve.

**Recommended reading:**

Peter Radan, Cameron Stewart and Ilija Vickovich, *Principles of Australian Equity and Trusts: Cases and Principles* (LexisNexis Butterworths, 2<sup>nd</sup> ed, 2013) “28 Constructive Trusts” 723-765.

**Reference:**

Peter W Young, Clyde Croft and Megan Louise Smith, *On Equity* (Lawbook Co (Thomson Reuters) 2009) “Constructive Trusts” 435-460 [6.640]-[6.920].

## **TUTORIAL 11**

### **Constitutional Remedies**

**Required (Essential) reading:**

Administrative Review Council, *Federal Judicial Review in Australia* Report No.50 (2012) ‘3. Federal Judicial Review in Australia’ 45-71.

Link: <http://www.arc.gov.au/Publications/Reports/Documents/ARCReport50-FederalJudicialReviewinAustralia-2012.PDF>.

Tony Blackshield and George Williams, *Australian Constitutional Law and Theory* (Federation Press, 5<sup>th</sup> ed, 2010) ‘Chapter 12 High Court 4. Remedies’ excerpts:

Blackshield and Williams 01 - James v Commonwealth

Available on iLearn.

Blackshield and Williams 02 – Kruger

Available on iLearn.

## TUTORIAL 12

### Administrative Law

#### Required (Essential) reading:

John McMillan 'Ten Challenges for Administrative Justice' (2010) *AIAL Forum No.61* 23, 23-34.

Available through the Library's Journal Finder.

Rosanna Panetta, 'Damages for Wrongful Administrative Decisions' (1999) 6 *Australian Journal of Administrative Law* 163, 163-187.

Available through the Library's Journal Finder.

Administrative Review Council, *Federal Judicial Review in Australia* Report No.50 (2012) '10. Remedies' 177-181.

Link: <http://www.arc.ag.gov.au/Publications/Reports/Documents/ARCReport50-FederalJudicialReviewinAustralia-2012.PDF>.

*Park Oh Ho v Minister for Immigration and Ethnic Affairs* [1989] HCA 54; 167 CLR 637.

Australian Government, Department of Finance and Deregulation, *The Scheme for Compensation for Detriment caused by Defective Administration (the CDDA Scheme)*.

Link: [http://www.finance.gov.au/financial-framework/docs/cdda\\_fact\\_sheet.pdf](http://www.finance.gov.au/financial-framework/docs/cdda_fact_sheet.pdf).

Australian Government, Department of Finance and Deregulation, *Financial Circular 2009/09: Discretionary Compensation and Waiver of Debt Mechanisms*.

Link: <http://www.finance.gov.au/publications/finance-circulars/2009/docs/FC-2009-09.pdf>.

This is the most comprehensive – don't miss this one.

Australian Government, Department of Finance and Deregulation, *Act of Grace Payments*.

Link: [http://www.finance.gov.au/financial-framework/docs/aog\\_fact\\_sheet.pdf](http://www.finance.gov.au/financial-framework/docs/aog_fact_sheet.pdf).

Submission to the Standing Committee on Legal and Constitutional Affairs, Parliament of Australia, Senate Review of Government Compensation, 11 June 2010 (Department of Finance and Deregulation).

Link: [http://www.finance.gov.au/financial-framework/docs/compensation\\_payments\\_finance\\_submission.pdf](http://www.finance.gov.au/financial-framework/docs/compensation_payments_finance_submission.pdf).

Commonwealth Ombudsman, *Fact Sheet 9: Compensation for detriment caused by defective administration*, February 2010.

Link: [http://www.ombudsman.gov.au/docs/fact-sheets/FactSheet9\\_CDDA.pdf](http://www.ombudsman.gov.au/docs/fact-sheets/FactSheet9_CDDA.pdf).

**Recommended reading:**

Commonwealth Ombudsman, *Putting things right: compensation for defective administration: Administration of decision making under the Scheme for Compensation for Detriment Cased by Defective Administration*, Report No.11 (2009).

Link: [http://www.ombudsman.gov.au/files/investigation\\_2009\\_11.pdf](http://www.ombudsman.gov.au/files/investigation_2009_11.pdf).

Commonwealth Ombudsman, *Executive Schemes Report No.12* (2009).

Link: [http://www.ombudsman.gov.au/files/investigation\\_2009\\_12.pdf](http://www.ombudsman.gov.au/files/investigation_2009_12.pdf).

## Unit Schedule

<b>LAW 555 REMEDIES, REPARATIONS AND RESOLUTION IN LAW</b>	
	<b>Session 3, 2013</b>
	<b>Group 1 16 Dec; Group 2 18 Dec; Group 3 20 Dec</b>
1	Theory of Remedies

2	Pre-trial Trial Resolution/Alternative Dispute Resolution
3	Damages for Personal Injury
4	Damages for Defamation and for Property and Economic Loss
5	Damages for Breach of Contract; Actions for Contractual Fixed Sum; and Rescission
6	Restorative Justice – Focus: Youth Justice Conferencing Scheme
	<b>Group 1 20 Jan; Group 2 22 Jan; Group 3 24 Jan</b>
7	Specific Performance; and Injunctions
8	Equitable Compensation and Damages; Mareva and Anton Piller Orders; and Declarations
9	Restitution for Unjust Enrichment and Wrongs

10	Constructive Trusts
11	Constitutional Remedies
12	Administrative Law

## 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://www.mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://www.mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://www.mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://www.mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://www.mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)

Special Consideration Policy [http://www.mq.edu.au/policy/docs/special\\_consideration/policy.html](http://www.mq.edu.au/policy/docs/special_consideration/policy.html)

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Support

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at: <http://students.mq.edu.au/support/>

### UniWISE provides:

- Online learning resources and academic skills workshops [http://www.students.mq.edu.au/support/learning\\_skills/](http://www.students.mq.edu.au/support/learning_skills/)
- Personal assistance with your learning & study related questions.
- The Learning Help Desk is located in the Library foyer (level 2).
- Online and on-campus orientation events run by Mentors@Macquarie.

## 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

Details of these services can be accessed at <http://www.student.mq.edu.au/ses/>.

## IT Help

If you wish to receive IT help, we would be glad to assist you at <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 and it outlines what can be done.

## Graduate Capabilities

### 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 to achieve

### 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 to achieve



## 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 principle 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 principle 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 oral and written arguments, drawing on law, policy, theoretical and 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 task**

- Class Participation

## **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 oral and written arguments, drawing on law, policy, theoretical and 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 to achieve

## **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 outcome**

- 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 oral and written arguments, drawing on law, policy, theoretical and ethical considerations, about remedies and their effectiveness

### Assessment task

- Class Participation