



LAW 555

Remedies

Session 3 Internal 2012

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	5
<u>Unit Schedule</u>	5
<u>Policies and Procedures</u>	6
<u>Graduate Capabilities</u>	7
<u>Changes since First Published</u>	10

Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Unit Convenor

Timothy FitzPatrick

timothy.fitzpatrick@mq.edu.au

Contact via timothy.fitzpatrick@mq.edu.au

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 is the designated Capstone unit for the LLB program. The unit aims to consolidate the knowledge and skills students have developed throughout their study of law and prepare them for life beyond the law school. The unit will contextualise the concept of a legal 'remedy' in a theoretical and historical framework before examining some of the remedies available in equity, the common law and statute as well as public and international law. The unit will also examine different mechanisms for the resolution of disputes and 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
<u>Class Participation</u>	30%	Ongoing
<u>Assignment 1</u>	25%	31 December 2012
<u>Assignment 2/ Take-home exam</u>	45%	1 February 2013

Class Participation

Due: **Ongoing**

Weighting: **30%**

Class Participation

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 2012**

Weighting: **25%**

Assignment

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/ Take-home exam

Due: **1 February 2013**

Weighting: **45%**

Assignment 2/ Take-home exam

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.

Unit Schedule

DECEMBER TUTORIALS

Class 1

Pre-trial Trial Resolution/Alternative Dispute Resolution

Class 2

Restorative Justice – Focus: Youth Justice Conferencing Scheme

Class 3

Constitutional Law

Class 4

Administrative Law

Class 5

International Law

Class 6

National Injury Insurance Scheme

JANUARY TUTORIALS

Class 7

Remedies Theory; Self-help (including Rescission)

Class 8

Damages for Personal Injury

Class 9

Damages for Defamation and for Property and Economic Loss

Class 10

Common Law Damages for Breach of Contract; Actions for Contractual Fixed Sum and Debt; and, Equitable Compensation and Damages

Class 11

Restitution and Specific Performance

Class 12

Injunctions; Mareva and Anton Pillar Orders; and, Declarations

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

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

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

Special Consideration Policy 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.mq.edu.au/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 Support Unit](#) 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/ Take-home exam

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/ Take-home exam

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/ Take-home exam

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/ Take-home exam

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

Changes since First Published

Date	Description
03/08/2012	The Description was updated.
03/08/2012	The Description was updated.