



LAWS555

Remedies, Reparations and Resolution in Law

S1 External 2019

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	3
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	7
<u>Unit Schedule</u>	8
<u>Policies and Procedures</u>	9
<u>Graduate Capabilities</u>	10
<u>Changes from Previous Offering</u>	15
<u>Changes since First Published</u>	16

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

Doron Goldbarsht

doron.goldbarsht@mq.edu.au

Contact via doron.goldbarsht@mq.edu.au

TBA on iLearn

TBA on iLearn

Tutor

Dr Uche Ngwaba

uche.ngwaba@mq.edu.au

Contact via uche.ngwaba@mq.edu.au

Tutor

Roderick Smith

roderick.smith@mq.edu.au

Contact via roderick.smith@mq.edu.au

Tutor

Julian Dight

julian.dight@mq.edu.au

Contact via julian.dight@mq.edu.au

Credit points

3

Prerequisites

42cp in LAW or LAWS units including (LAW203 and LAW315 and (LAW317 or LAWS217))

Corequisites

LAWS398 or (LAW406 or LAW456)

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:

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.

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.

Follow instructions in writing and referencing primary and secondary research sources appropriate for hypothetical problem solving and research essay writing.

Take responsibility for their own learning in research writing and hypothetical problem solving by managing time productively; planning the tasks; and working effectively towards their completion.

General Assessment Information

All Students

Task	Task Name	%	Due Date
1	Class Participation	20	10% on-line and 10% in-class (OCS)

2	Essay (Submit through Turnitin)	30	Release Date: 25/2/2019, 17:00. Due Date: 19/4/2019, 17:00.
3	Hypothetical Problem (Submit through Turnitin)	50	Release Date: 27/5/2019, 17:00. Due Date: 7/6/2019, 17:00.
	Total:	100%	

Special Consideration

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.

Class Attendance and Participation

Attendance at the On-Campus Session is compulsory. External students will lose 5% of their marks for attendance and participation for each day of the OCS that they do not attend.

Early non-compulsory assessment

In Week 3 (2nd tutorial) tutors will give students informal feedback on class participation.

Submission of Written Assignments

The written assignments are to be submitted electronically by way of Turnitin on the iLearn page. Plagiarism detection software is used in this unit.

Word Limits

Where there is a specified word limit it will be strictly applied and work above the word limit will not be assessed.

Moderation

Detailed marking rubrics will be made available on iLearn for all assessments. If there are other markers assisting the convenor then a process of 'blind marking' to establish a common marking standard will be adopted and all Fail papers will be double marked.

Style

All written assignments should comply with the latest edition of the AGLC.

Assessment Tasks

Name	Weighting	Hurdle	Due
Class Participation	20%	No	Ongoing

Name	Weighting	Hurdle	Due
<u>Research Essay</u>	30%	No	19/4/2019 17:00
<u>Hypothetical Problems</u>	50%	No	7/6/2019 17:00

Class Participation

Due: **Ongoing**

Weighting: **20%**

Participation in-class:

This individual component is worth 10% of student's grade and it will be based on attendance at the On-Campus Session and an assessment by the tutor of student individual contribution to the class discussion and presentation.

If students are unable to attend the OCS due to a serious and unavoidable disruption, they should submit a Disruption to Studies application online by visiting ask.mq.edu.au.

If you miss the OCS due to special consideration you are to complete the following:

If you miss one day you are to complete at least 3 tutorial questions (relating to different lectures - ie 1 question each from Lecture 1, Lecture 2 and Lecture 7 tutorial questions) and at least 3 hypothetical problems (relating to different lectures - ie 1 hypothetical from Lecture 3, Lecture 4, Lecture 5 and/or Lecture 6 tutorial questions) (max 4 pages double-spaced).

If you miss both days you are to complete at least 6 tutorial questions (relating to different lectures - ie 2 questions each from Lecture 1, Lecture 2 and Lecture 7 tutorial questions) and at least 6 hypothetical problems (relating to different lectures - ie 2 hypotheticals from Lecture 3, Lecture 4, Lecture 5 and/or Lecture 6 tutorial questions) (max 8 pages double-spaced).

You are to submit this work to Dr Doron Goldbarsht. You will have until 5 pm, 26 April 2019 to complete this work unless your case for special consideration requires that you be given more time.

Participation on-line (Q&A postings):

This individual component is worth 10% of student's grade. Starting in Week 2, a forum will be open for Q&A posting on iLearn. In this forum, students will post **2** times in total during the semester: **Questions** that has occurred as a result of listening to the weekly lectures, or from the material covered in tutorials. Along with the question students will post an **answer** to the question, based on a research into the weekly readings/resources and a justification for the answer.

Student question and answer together should be *no more than* 150 words for each Q&A (please note, 150 words is the limit, not a challenge). Content over 150 words will not be marked.

Assessment guideline for in-class and on-line participation 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.

Research Essay

Due: **19/4/2019 17:00**

Weighting: **30%**

Essay

Release Date: 25 Feb 2019, 17:00.

Students to complete a research essay based on a topics covered in the unit. This topic will be available on iLearn before the mid-semester break. The emphasis is on independent research and analysis and critique.

Essays must be submitted in double line spaced text, 12 point font, Times New Roman. The word limit is 1,500 words, excluding footnotes. Footnotes should only be used for references, with no further discussion. Content over 1,500 words will not be marked. A bibliography should not be provided.

The essay must comply with the latest edition of the *Australian Guide to Legal Citation*.

All work, in WORD format, is to be submitted via Turnitin on iLearn.

The essay question and assessment guidance will be released via iLearn.

See also General Assessment Information tab in this unit guide.

On successful completion you will be able to:

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- 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.
- Follow instructions in writing and referencing primary and secondary research sources appropriate for hypothetical problem solving and research essay writing.

- Take responsibility for their own learning in research writing and hypothetical problem solving by managing time productively; planning the tasks; and working effectively towards their completion.

Hypothetical Problems

Due: **7/6/2019 17:00**

Weighting: **50%**

Hypothetical Problem

Release Date: 27 May 2019, 17:00.

Hypothetical problems based on materials covered in Lectures 1-12.

Format and Word Count:

The assignment must be submitted in a double line spaced text, 12 point font (use Times New Roman). The word limit is 2,000 words, excluding footnotes. Footnotes should only be used for references, with no further discussion. Content over 2,000 words will not be marked. A bibliography should not be provided. Submissions must be a word document.

The essay must comply with the latest edition of the *Australian Guide to Legal Citation*.

Once the Hypothetical Problem is released to students the Unit Convenor/Tutors will not be in a position to answer any questions about it.

See also General Assessment Information tab in this unit guide.

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.
- Follow instructions in writing and referencing primary and secondary research sources appropriate for hypothetical problem solving and research essay writing.
- Take responsibility for their own learning in research writing and hypothetical problem solving by managing time productively; planning the tasks; and working effectively towards their completion.

Delivery and Resources

Lectures commence in Week 1. Tutorials will commence in Week 2.

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

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

The Required Text is: Covell & Lupton *Principles of Remedies*, 7th edition (LexisNexis, 2018). It is available from the Macquarie University Co-op Bookshop or [here](#). 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.

Unit Schedule

For Tutorial times see <https://timetables.mq.edu.au/2019/>

LAWS555 S1 2019, Lecture Schedule			
Week	Dates weeks starting	Lecture	Lecturer
1	25-Feb	Intro	Dr Francesca Dominello
2	4-Mar	Torts	Ms Caitriona McCabe
3	11-Mar	Torts	Ms Caitriona McCabe
4	18-Mar	Contracts	Mr Ilija Vickovich
5	25-Mar	Contracts	Mr Ilija Vickovich
6	1-Apr	Equity	Ms Teresa Somes
7	8-Apr	Equity	Ms Teresa Somes
Break	15-Apr ; 22-Apr (OCS 23-24 April)		

8	29-Apr	Equity	Ms Teresa Somes
9	6-May	Restorative Justice	Dr Lise Barry
10	13-May	Statue	Dr Baskaran Balasingham
11	20-May	Alternative (Appropriate) Dispute Resolution	Dr Therese MacDermott
12	27-May	International Law	Dr Francesca Dominello
13	3-Jun	No Lecture	

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/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 improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

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.

Graduate Capabilities

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- 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.

Assessment task

- Research Essay

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

- Work independently to produce a sophisticated research project based on some of the broad topics covered in the unit.
- Take responsibility for their own learning in research writing and hypothetical problem solving by managing time productively; planning the tasks; and working effectively towards their completion.

Assessment tasks

- Class Participation
- Research Essay
- Hypothetical Problems

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

- Identify and propose reforms to create a more just remedial system of law.
- Take responsibility for their own learning in research writing and hypothetical problem solving by managing time productively; planning the tasks; and working effectively towards their completion.

Assessment tasks

- Class Participation
- Research Essay
- Hypothetical Problems

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 outcomes

- Explain the principles upon which remedial action can be taken.
- 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.
- Follow instructions in writing and referencing primary and secondary research sources appropriate for hypothetical problem solving and research essay writing.

Assessment tasks

- Class Participation
- Research Essay
- Hypothetical Problems

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

- 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.
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Assessment tasks

- Class Participation
- Research Essay
- Hypothetical Problems

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 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.

- Work independently to produce a sophisticated research project based on some of the broad topics covered in the unit.
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- Follow instructions in writing and referencing primary and secondary research sources appropriate for hypothetical problem solving and research essay writing.
- Take responsibility for their own learning in research writing and hypothetical problem solving by managing time productively; planning the tasks; and working effectively towards their completion.

Assessment tasks

- Class Participation
- Research Essay
- Hypothetical Problems

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 outcomes

- 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.
- Work independently to produce a sophisticated research project based on some of the broad topics covered in the unit.
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Assessment tasks

- Class Participation
- Research Essay
- Hypothetical Problems

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 outcomes

- 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.
- 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.

Assessment task

- Research Essay

Changes from Previous Offering

This unit involves a change in Unit Convenor. The assessment scheme has also been changed - on-line participation has been added.

The programme of Lectures and tutorials for 2019 has been changed from that given in 2018, and may be subject to further change due to developments. Students should consult the Unit Schedule and prepare tutorial questions for classes and written assignments according to the new lecture regime.

Changes since First Published

Date	Description
07/03/2019	There was a typo in one place, in the Unit Guide, regarding the due date for the research essay. The date noted under "General Assessment Information" was 9 April 2019. It should read 19 April 2019 as it does elsewhere.
19/02/2019	The Required Text is: Covell & Lupton Principles of Remedies, 7th edition (LexisNexis, 2018).