

## 730-321 Restitution

<b>Credit Points:</b>	12.500
<b>Level:</b>	Undergraduate
<b>Dates &amp; Locations:</b>	2008, This subject commences in the following study period/s: Semester 1, - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: Three hours of lecture/seminars per week Total Time Commitment: Not available
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory; Obligations; Contracts or in each case their equivalents.
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	<p>&lt;p&gt;For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.&lt;/p&gt;         &lt;p&gt;It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: &lt;a href="http://services.unimelb.edu.au/disability"&gt;http://services.unimelb.edu.au/disability&lt;/a&gt;&lt;/p&gt;</p>
<b>Coordinator:</b>	Professor M Bryan
<b>Subject Overview:</b>	<p>This subject provides an analysis of the law of unjust enrichment in Australian law. Students will examine the various unjust factors Ârecognized by courts or discussed by theorists, such as mistake, compulsion and failure of consideration. The various forms of enrichment will be studied and the differences between restitution for money and restitution for services explored. Defences to restitutionary claims and restitutionary remedies, both personal and proprietary, will also be covered.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing for honours purposes.</p>
<b>Assessment:</b>	Either an optional research essay of 5000 words, 100% (due final week of semester) or final examination of three hours, 100%.
<b>Prescribed Texts:</b>	Restitution: Text, Cases and Materials (Sharon Erbacher), Cavendish Publishing
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage</li> <li># the capacity for close reading and analysis of a range of sources</li> <li># the capacity for critical and independent thought and reflection</li> <li># the capacity to solve problems, including through the collection and evaluation of information</li> <li># the capacity to communicate, both orally and in writing</li> </ul>

# the capacity to plan and manage time

In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:

Solve legal problems by the application of recently developed legal concepts.

Compare and contrast philosophical concepts of justice and injustice with models

Of justice developed by judges and writers within the framework of the law of

Unjust enrichment.

Apply research skills to a new and relatively undeveloped area of the law.