

## 730-705 Contract Damages

<b>Credit Points:</b>	12.500
<b>Level:</b>	Graduate/Postgraduate
<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: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidate's background and experience.
<b>Prerequisites:</b>	Prerequisite Prior studies in contract law or relevant experience
<b>Corequisites:</b>	N.A.
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	N.A.
<b>Coordinator:</b>	Mr Ralph Cunnington
<b>Subject Overview:</b>	<p><b>Objectives:</b></p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> <li># Understand the normative principles that underlie the law of damages</li> <li># Have a workable analytic framework for understanding the law of damages</li> <li># Be aware of and able to engage with recent debate on the different measures of contract damages, the recoverability of losses and methods of limitation</li> <li># Have a thorough practical knowledge and understanding of the methods of assessment and be able to apply these to factual situations</li> <li># Understand contract damages in a transnational (UNIDROIT and CISG) and comparative perspective and be able to use this perspective for a critical analysis of domestic law.</li> </ul> <p><b>Syllabus:</b></p> <p>The subject examines the law of contract damages with an emphasis on a comparative and transnational perspective.</p> <p>The principal topics to be covered are:</p> <ul style="list-style-type: none"> <li># The definition and purpose of damages. This will set contract damages in their theoretical and taxonomical context with a detailed consideration of the theoretical underpinnings of the law of contract damages</li> <li># The basic measures of contract damages. This will include compensatory measures (the expectation and reliance measure) and non-compensatory measures (nominal damages, gain-based damages and punitive damages)</li> <li># Recoverability of losses. This will include a discussion of the recoverability of damages for loss of profit, loss of reputation, loss of a chance, currency losses, legal costs and non-pecuniary losses</li> <li># The methods of limiting contract damages. This will include certainty, remoteness (causation and foreseeability) mitigation and contributory negligence</li> <li># The assessment of damages. This will discuss common problems in the assessment of damages, including standard of proof, abstract/concrete methods of calculation, quantifying lost expectation, exchange rate fluctuations, avoided loss.</li> </ul>
<b>Assessment:</b>	Research paper 10,000 words (100%) (10 July) (topic approved by the subject coordinator)

<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
<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>	Please see the Subject Objectives for this information.
<b>Links to further information:</b>	For the latest information on this subject, please visit: <a href="http://www.masters.law.unimelb.edu.au/subject/730705">http://www.masters.law.unimelb.edu.au/subject/730705</a>