

730-733 Current Application of Legal Remedies

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Semester 1, - Taught on campus.
Time Commitment:	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.
Prerequisites:	None
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	Mr David Bennett QC
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should have:</p> <ul style="list-style-type: none"> # A sound understanding of the interpretation of express contractual terms and recent developments in the law as to implied terms # An understanding of remedies relevant to breach of joint venture agreements, including equitable damages, accounts of profits and constructive trusts # An understanding of the legal principles relevant to the grant of interlocutory relief by way of injunction # An understanding of the development, and the current state, of the law concerning damages for pure economic loss # An understanding of recovery on a quantum meruit basis, based on both a contract without an agreed price and restitution after an unjust enrichment. <p>Syllabus:</p> <p>Principal topics (conducted with emphasis on class interaction) will include:</p> <ul style="list-style-type: none"> # Contractual terms including construction of express terms; implied terms (at law, ad hoc); recent High Court of Australia developments; the implied duty to cooperate; the status of the claimed implied obligation of good faith in contract # Equitable remedies for breach of fiduciary duty # Interlocutory injunctions, including practical application # Status of recovery in tort for pure economic loss # The history and development of quantum meruit claims leading to a consideration of: quantum meruit under a contract having no agreed price; restitution claims where there is no contract, or an unenforceable contract, where the contractor claims that the owner has been unjustly enriched.
Assessment:	Take-home examination (100%) (15-18 August)
Prescribed Texts:	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.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees

Generic Skills:	Please see the Subject Objectives for this information.
Links to further information:	For the latest information on this subject, please visit: http://www.masters.law.unimelb.edu.au/subject/730733