

730-321 Restitution

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	2009, This subject commences in the following study period/s: Semester 1, - Taught on campus. Lectures and Seminar Discussion
Time Commitment:	Contact Hours: Two hours of lecture/seminars per week Total Time Commitment: 108 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory; Obligations; Contracts or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>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.</p> <p>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: http://services.unimelb.edu.au/disability</p></p>
Coordinator:	Assoc Prof Elise Diane Bant
Subject Overview:	<p>This subject provides an analysis of the law of unjust enrichment and restitution in Australian law. Students will examine the various unjust factors recognised 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.</p>
Objectives:	To inculcate an understanding of the legal principles governing the reversal of unjust enrichment and of the law restitution in Australia.
Assessment:	Either an optional research essay of 5000 words, 100% (due final week of semester) or final examination of three hours, 100%.
Prescribed Texts:	James Edelman and Elise Bant, Unjust Enrichment in Australia, 2007, Oxford University Press.
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:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage # the capacity for close reading and analysis of a range of sources # the capacity for critical and independent thought and reflection

- # the capacity to solve problems, including through the collection and evaluation of information
- # the capacity to communicate, both orally and in writing
- # 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.