

## 730-453 Remedies

<b>Credit Points:</b>	12.50
<b>Level:</b>	3 (Undergraduate)
<b>Dates &amp; Locations:</b>	2009, This subject commences in the following study period/s: Semester 2, - Taught on campus. Lectures and Tutorials
<b>Time Commitment:</b>	Contact Hours: One 2-hour lecture and and one 2-hour tutorial per week Total Time Commitment: Estimated total time commitment of 144 hours.
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; Torts; Obligations; Contracts; Property or in each case their equivalents. In addition, students should have completed or be undertaking Trusts or its equivalent. Permission from the subject coordinator will be required to undertake Remedies if a student has not completed or is not concurrently undertaking Trusts or its equivalent.
<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>	Assoc Prof Elise Diane Bant, Prof Megan Richardson
<b>Subject Overview:</b>	<p>This subject involves a study of the nature, goals and structure of private law remedies and is organised around the remedial goals of compensation, coercion, restitution and punishment. Topics will include:</p> <ul style="list-style-type: none"> <li># compensation (damages for breach of contract; compensatory remedies under the Trade Practices Act; compensation and damages in equity);</li> <li># coercion (specific performance and injunctions);</li> <li># restitution (the measure of restitution, rescission, account of profits, equitable proprietary remedies);</li> <li># punishment in private law (aggravated and exemplary damages).</li> </ul>
<b>Objectives:</b>	<p>The aim of this subject is to enable students to develop an understanding of the law of remedies through close reading of cases, statutes and scholarly writing and participation in class discussion. It is expected that on completion of the subject students should have a sound understanding of the principles relating to compensation, coercion, restitution and punishment in private law and should be able to:</p> <ul style="list-style-type: none"> <li># identify, analyse and challenge the bases of relevant decisions</li> <li># apply relevant legal and equitable principles to particular fact situations and develop creative arguments as to ways in which those principles could be applied to novel fact situations</li> </ul>

	<ul style="list-style-type: none"> <li># evaluate relevant legal, equitable and statutory principles and analyse particular remedial problems from a range of theoretical perspectives; and</li> <li># utilise comparisons with other legal systems to analyse and evaluate the way in which particular problems are addressed by the Australian law of remedies</li> </ul>
<b>Assessment:</b>	Final open-book examination of three hours, 100%.
<b>Prescribed Texts:</b>	Printed materials will be issued by Melbourne Law School Tilbury, Noone and Kercher, Remedies: Commentary and Materials (4 th ed, 2004)
<b>Recommended Texts:</b>	
<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> <li># the capacity to plan and manage time</li> <li># the capacity to participate as a member of a team</li> <li># intercultural sensitivity and understanding</li> </ul> <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> <li>- case reading and analysis, including an ability to: <ul style="list-style-type: none"> <li># extract important features from judgments</li> <li># reconcile judgments</li> <li># evaluate the development of legal principles</li> <li># apply legal principles arising from case law to new situations</li> </ul> </li> <li>- reading, interpreting and analysing statutes</li> <li>- legal research and writing skills, including an ability to: <ul style="list-style-type: none"> <li># find secondary sources</li> <li># use case law, statutes and secondary sources as part of legal analysis</li> </ul> </li> <li>- hypothetical problem solving, including an ability to: <ul style="list-style-type: none"> <li># identify legal issues arising in complex fact situations;</li> <li># identify and apply relevant legal, equitable and statutory principles; and</li> <li># provide advice as to the rights and obligations of the relevant parties</li> </ul> </li> </ul>
<b>Related Course(s):</b>	<p>Bachelor of Engineering (Chemical) and Bachelor of Laws  Bachelor of Engineering (Environmental) and Bachelor of Laws  Bachelor of Engineering (Mechanical &amp; Manufacturing) and Bachelor of Laws  Bachelor of Music and Bachelor of Laws</p>