

LAWS40010 Restitution

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	2010, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Lectures and Seminar Discussion
Time Commitment:	Contact Hours: 36 hours. Total Time Commitment: 144 hours.
Prerequisites:	730-111 Legal Method and Reasoning; 730-112 Principles of Public Law; 730-114 Torts; 730-212 Legal Theory; 730-213 Obligations; 730-215 Contracts; or in each case their equivalents.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: http://www.services.unimelb.edu.au/disability/ .
Coordinator:	Assoc Prof Elise Bant
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
Subject Overview:	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. Note: The essay in this subject is regarded as a substantial piece of legal writing.
Objectives:	To inculcate an understanding of the legal principles governing the reversal of unjust enrichment and of the law restitution in Australia.
Assessment:	300-word Reflection Exercise requiring a review of selected readings and a statement of approach and argument to the Research Essay, due approximately week four of the semester. Assessed on a pass/resubmit basis with a pass standard of submission necessary as a hurdle requirement for obtaining a pass grade or above in the Research Essay; 5,000-word Research Essay on a topic chosen by the student, due in the final week of semester (100%); OR Final open-book three-hour examination (100%).
Prescribed Texts:	James Edelman and Elise Bant, Unjust Enrichment in Australia (2006, 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:

On completion of the subject, students should have developed the following generic skills:

- # 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.