

## LAWS40010 Restitution

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	2011, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Lectures and Seminar Discussion
<b>Time Commitment:</b>	Contact Hours: 24 hours, 1 x 2-hour lecture per week. Total Time Commitment: 144 hours.
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory; Obligations; Contracts; or in each case their equivalents.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	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: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
<b>Coordinator:</b>	Prof Megan Richardson
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>This subject provides a critical analysis of a developing law of restitution (including 'unjust enrichment') in Australia and comparable jurisdictions, especially the United Kingdom and the United States of America. Students will examine policies and principles about the appropriateness and practicality of benefit-based (rather than harm-based) liability as a rationale for (a) substantive legal development and (b) remedial action in common law jurisdictions which are traditionally utilitarian but perhaps becoming less so. The particular foci will be judgments of courts and (to a lesser extent) legislation as well as arguments of restitution scholars and other legal theorists. The transition from overtly utilitarian to more explicitly rights-based discourses of law will help to frame the inquiry as to why the law may be taking on more of a restitution slant in the current context.</p> <p>NOTE: THE ESSAY IN THIS SUBJECT IS REGARDED AS A SUBSTANTIAL PIECE OF LEGAL WRITING.</p>
<b>Objectives:</b>	To inculcate an understanding of the legal policies and principles governing the law of restitution in Australia and comparable jurisdictions.
<b>Assessment:</b>	5,000-word Research Essay on a topic chosen by the student, due in the final week of semester (100%); OR Final open-book two-hour examination (100%).
<b>Prescribed Texts:</b>	None
<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></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># Solve legal problems by the application of recently developed legal concepts;</li><li># 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;</li><li># Apply research skills to a new and relatively undeveloped area of the law.</li></ul>
<b>Notes:</b>	<p>The essay in this subject is regarded as a substantial piece of legal writing for honours purposes.</p>