

LAWS 4014 REMEDIES

Credit Points 10

Coordinator Kumar De Silva ([https://directory.westernsydney.edu.au/search/name/Kumar De Silva/](https://directory.westernsydney.edu.au/search/name/Kumar%20De%20Silva/))

Description This subject examines the principles of the major common law, equitable, restitutionary and statutory remedies available in Australia to wronged parties in a variety of circumstances. Emphasis is on the analysis of practical and theoretical advantages and disadvantages of various remedies in a culturally diverse society. Topics include the effectiveness of common law, equitable and statutory remedies and the law of restitution and the scope of each of these remedies.

School Law

Discipline Law, Not Elsewhere Classified.

Student Contribution Band HECS Band 4 10cp

Check your fees via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 4 subject

Pre-requisite(s) LAWS 3018 Equity and Trusts

Equivalent Subjects LAWS 3020 Equity Trusts and Remedies 2 AND LAWS 3064 Remedies

Learning Outcomes

After successful completion of this subject, students will be able to:

1. Analyse common law, equitable, restitutionary, and statutory remedial concepts in a culturally diverse society
2. Analyse and solve practical remedial problems and theoretical legal issues
3. Evaluate legal information from a range of primary and secondary sources
4. Construct critically arguments by reference to appropriate evidence, authority and alternative perspectives

Subject Content

1. Common law damages
2. Account of Profits
3. Restitution for Unjust Enrichment
4. Restitution and Disgorgement Generally
5. Declaratory Relief, with particular reference to applications by First Nations people for standing
6. Specific Performance
7. Injunctions, with reference to applications by First Nations people for protection of traditional lands and cultural artefacts.
8. Quasi-injunctive relief
9. Rescission
10. Equitable Compensation
11. Damages in Equity
12. Constructive Trusts
13. Rectification
14. Delivery up
15. Specific Restitution of Property
16. Statutory Remedies

17. Other Remedies

18. Defensive Remedies

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/Group Task
Report	1 page	15	N	Group
Professional Task	2,500 words	35	N	Individual
Final Exam	2 hours	50	N	Individual

Prescribed Texts

- Covell & Lupton, Principles of Remedies, 8th ed, LexisNexis, 2022

Teaching Periods

Autumn (2024)

Online

Online

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View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS4014_24-AUT_ON_2#subjects)

Spring (2024)

Campbelltown

On-site

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Online

Online

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Parramatta - Victoria Rd

On-site

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