

LAWS 7068 REMEDIES

Credit Points 10

Legacy Code 201060

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 nature, goals and principles of private law remedies. Both judicial and non-judicial remedies in Australian private law are examined including the principles of the major common law, equitable, restitutionary, and statutory remedies available 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.

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 Postgraduate Coursework Level 7 subject

Pre-requisite(s) LAWS 7053 LAWS 7072 LAWS 7047
For 2824 Master of Laws students - LAWS 7010 LAWS 7078

Restrictions

Students must be enrolled in a postgraduate program.

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Critically reflect on common law, equitable, restitutionary, and statutory remedial concepts and their application and effectiveness in contemporary legal practice.
2. Analyse and solve practical problems and theoretical legal issues independently in order to demonstrate a detailed understanding of the suitability of remedies in various practical situations.
3. Collaborate effectively and persuasively on complex legal principles, theories and frameworks governing the award of private law remedies across Australian and overseas jurisdictions.
4. Communicate persuasively and effectively complex knowledge and ideas to expert and non-expert legal audience.
5. Evaluate the impact on Australia's culturally diverse society of the dominant culture's private law remedies.

Subject Content

1. The Nature of Remedies
2. Self-Help Remedies
3. General Principles of Compensation
4. Compensation in Equity
5. Gain-based Awards – Disgorgement and accounting for profits
6. Restitution (the measure of Restitution, Rescission)
7. Punishment in Private Law (Exemplary Damages)
8. Proprietary Relief
9. Specific Relief – General Principles and Specific Performance
10. Injunctions with reference to applications by First Nations people for protection of traditional lands and cultural artefacts.

11. Declaratory Relief with particular reference to applications by First Nations people for standing
12. Delivery Up, Cancellation and Rectification
13. Statutory 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
Presentation	1 page or equivalent	15	N	Group
Professional Task	3000 words	35	N	Individual
Final Exam	2 hours	50	N	Individual

Prescribed Texts

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

Teaching Periods

Autumn (2024)

Online

Online

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View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS7068_24-AUT_ON_2#subjects)

Spring (2024)

Campbelltown

On-site

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View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS7068_24-SPR_CA_1#subjects)

Online

Online

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Parramatta - Victoria Rd

On-site

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