



# LAWS804

## Law of Obligations II - Torts

S2 Day 2014

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Unit Convenor

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Credit points

4

Prerequisites

Admission to JD

Corequisites

Co-badged status

Unit description

The law of obligations encompasses private law obligations in contract, tort, and restitution. This compulsory unit examines the law of torts and its operation in context from doctrinal, practical, theoretical and normative perspectives. Torts addresses critical questions about social responsibility and obligations members of a community owe to one other, and how civil legal standards can and should be used to encourage appropriate behaviour and rectify wrongs. Negligence is the principal focus; other topics studied include assault, battery, false imprisonment, trespass to land and goods, nuisance, conversion, defences, and types of liability. The unit extends and integrates knowledge and skills developed in previous law units, focusing on communication, teamwork, problem solving and research.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

Demonstrate advanced knowledge of the fundamental doctrines, concepts, principles, values and sources (both common law and statute) for different types of torts and categories of liability.

Recognise a number of contemporary developments in the law, and reflect upon how such developments may impact upon tort-feasors and claimants.

Identify and articulate complex legal issues via engagement with hypothetical problem-based scenarios and other relevant materials.

Engage in critical legal reasoning, analysis and research to generate appropriate responses to tort-based legal issues.

Communicate in ways (both orally and in writing) that are effective, appropriate and persuasive for legal and non-legal audiences.

Collaborate with others to address complex legal tort law issues, drawing upon relevant legal principles and policy.

Demonstrate a high level of autonomy, accountability and professionalism in relation to study, research, performance and conduct.

## General Assessment Information

When a student suffers a disruption to study which is 'serious and unavoidable' they may apply for special consideration. In order to do so the student must meet the criteria under the Macquarie University "Disruption to Studies" policy and be approved by the Unit Convenor. Applications are made online at [ask.mq.edu.au](http://ask.mq.edu.au). Outcomes for recognized serious and unavoidable disruptions to studies are as set out in the University schedule - [http://www.mq.edu.au/policy/docs/disruption\\_studies/schedule\\_outcomes.html](http://www.mq.edu.au/policy/docs/disruption_studies/schedule_outcomes.html)

When a disruption to study **is not** serious or unavoidable, the approach to special consideration and the impact on your assessment will be as follows.

1. **Marked Attendance** for tutorial: Internal students may miss two tutorials without excuse. An internal student who misses more than two tutorials or an external student who misses part or all of the on-campus session must provide a valid reason for the non-attendance, supported by appropriate documentation. Internal students who have more than three unauthorised absences will fail the unit regardless of other completed assessment items. External students who fail to attend the On-Campus Session without authorisation will fail the unit regardless of other completed assessment items.
2. **Graded Participation** for tutorial: An internal student who has a valid and documented reason for missing more than two tutorials or an external student who has a valid and documented reason for missing part or all of the on-campus session will be required to provide work in lieu.
3. **Final Examination** (absence): no special consideration; grade of zero.
4. **Final Examination** (performance affected): no special consideration.
5. **Final Examination** (preparation affected): no special consideration.
6. **Assessment Task** (other than final examination) (preparation affected): no special consideration.

7. **Assessment** (other than final examination) (late submission): no special consideration; grade of zero.
8. **Assessment** (other than final exam) (ongoing impact on performance): consideration will be given to the following: extension of time to complete an assessment task; provision of an additional assessment task; recommendation to withdraw.

## Assessment Tasks

Name	Weighting	Due
<u>Hypothetical</u>	30%	03/10/2014
<u>Class Participation</u>	20%	Continuiing
<u>Take Home Exam</u>	50%	22 November 2014 12 noon

### Hypothetical

Due: **03/10/2014**

Weighting: **30%**

The Assignment for this unit will require students to engage with a hypothetical problem-based question.

The assignment question will be available on iLearn in week 2. The assignment must be a properly referenced formal response to the hypothetical scenario, in which complex legal issues are identified, and an appropriate analysis and argument supported by relevant authoritative cases and commentary is developed. The response must be 2000 words (excluding footnotes) and is to be submitted on the Turnitin link in iLearn.

The actual word length must be stated on the assignment. In completing their assignment, students must comply with the Australian Guide to Legal Citation.

Assignments lodged out of time will not be marked and will result in a zero mark for the assessment task.

Students must submit their own work, researched and written independently. A work that does not reflect independent work or thought will receive a fail grade. Plagiarism or other academic misconduct can lead to student disciplinary action and/or affect a person's eligibility to be registered as a legal practitioner.

Students who experience *serious and unavoidable* disruptions after the study period has commenced must contact the unit convenor and lodge an application in accordance with the University's 'Disruption to Studies' policy. There is an expectation that unless the student has suffered an ongoing issue that has been 'serious and unavoidable', that plans and drafts will be produced to show work completed up until the relevant date of disruption.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the fundamental doctrines, concepts, principles, values and sources (both common law and statute) for different types of torts and categories of liability.
- Identify and articulate complex legal issues via engagement with hypothetical problem-based scenarios and other relevant materials.
- Engage in critical legal reasoning, analysis and research to generate appropriate responses to tort-based legal issues.
- Communicate in ways (both orally and in writing) that are effective, appropriate and persuasive for legal and non-legal audiences.
- Demonstrate a high level of autonomy, accountability and professionalism in relation to study, research, performance and conduct.

## Class Participation

Due: **Continuing**

Weighting: **20%**

Internal students will participate in compulsory seminars/online activities that will provide the opportunity to explore, analyse and apply the concepts and/or doctrinal principles covered in the readings, lectures and materials. The seminars will focus on discussion of legal principles and the set questions in the seminar program. Students will be expected to have attempted the questions prior to attending class and to bring their notes to class, where group discussion will take place. Students will be given the opportunity to work in pairs for such preparation. All students should be prepared to talk to any of the set questions when called upon to do so by their seminar leader; and will be expected to participate in online forums/activities when required. Students who have more than three unauthorised absences will fail the unit regardless of other completed assessment items.

External students will be expected to fulfill the class participation requirements at the On-Campus Session. External students are expected to have attempted the set questions at home prior to the on-campus session, and again will be given the opportunity to work in pairs to prepare answers via online discussion with class-mates. Students who fail to attend the On-Campus Session without authorisation will fail the unit regardless of other completed assessment items.

Specific grading criteria for the class participation mark will be posted on the iLearn unit web page, and discussed in the first seminar/on-campus session. Note: prepared answers/notes to the seminar questions (draft form is fine) should be handed in at each class (or emailed to the seminar leader prior to attendance). (They will not be given individual grades, but will be taken into consideration when reflecting upon participation and preparation).

On successful completion you will be able to:

- Recognise a number of contemporary developments in the law, and reflect upon how

such developments may impact upon tort-feasors and claimants.

- Identify and articulate complex legal issues via engagement with hypothetical problem-based scenarios and other relevant materials.
- Engage in critical legal reasoning, analysis and research to generate appropriate responses to tort-based legal issues.
- Communicate in ways (both orally and in writing) that are effective, appropriate and persuasive for legal and non-legal audiences.
- Collaborate with others to address complex legal tort law issues, drawing upon relevant legal principles and policy.
- Demonstrate a high level of autonomy, accountability and professionalism in relation to study, research, performance and conduct.

## Take Home Exam

Due: **22 November 2014 12 noon**

Weighting: **50%**

The end of semester examination in this unit will be a take-home examination. It will be based on material covered in the unit (more detailed information will be provided by the unit convenor closer to the exam period).

The examination will require students to address hypothetical and essay questions. Students will be given 48 hours (2 days) to complete the examination. The examination must be completed individually, and consultation or collaboration with others is prohibited.

The exam will be posted online at midday 20 November 2014, and students must complete the exam within the designated 48 hour period, or will be given zero for this assessment task.

Students will hand the exam in via Turn-it-in, which will be used to check the assignment for plagiarism and originality.

**NOTE 1: STUDENTS ARE EXPECTED TO COMPLETE THIS EXAM ALONE AND INDEPENDENTLY. THEY SHOULD NOT DISCUSS THE EXAM WITH ANY OTHER PERSON (INCLUDING FOR EXAMPLE OTHER STUDENTS, PROFESSIONALS, FRIENDS OR FAMILY), COPY ANOTHER PERSON'S WORK, HAVE ANOTHER PERSON PREPARE AN ANSWER FOR THEM, SHARE NOTES OR OTHERWISE WORK JOINTLY WITH ANOTHER PERSON/S OR COMPANY). WORK SUBMITTED THAT IS NOT ORIGINAL, IS NOT THAT OF THE SUBMITTING STUDENT, AND/OR DOES NOT REFLECT THE ABILITY TO WORK INDEPENDENTLY WILL RECEIVE A FAIL.**

**NOTE 2: A FINDING OF PLAIGIARISM OR ACADEMIC MISCONDUCT CAN AFFECT YOUR STANDING TO BE ADMITTED AS A LEGAL PRACTITIONER.**

NOTE 3: Students who are unable to sit the exam due to *serious or unavoidable* disruption to study must contact the unit convenor and lodge an application in accordance with the University's 'Disruption to Studies' policy. An alternative exam will be provided to a student who

meets the University disruptions to study criteria. If the student's circumstances do not meet such criteria a mark of zero will be given.

On successful completion you will be able to:

- Demonstrate advanced knowledge of the fundamental doctrines, concepts, principles, values and sources (both common law and statute) for different types of torts and categories of liability.
- Recognise a number of contemporary developments in the law, and reflect upon how such developments may impact upon tort-feasors and claimants.
- Identify and articulate complex legal issues via engagement with hypothetical problem-based scenarios and other relevant materials.
- Engage in critical legal reasoning, analysis and research to generate appropriate responses to tort-based legal issues.
- Communicate in ways (both orally and in writing) that are effective, appropriate and persuasive for legal and non-legal audiences.
- Demonstrate a high level of autonomy, accountability and professionalism in relation to study, research, performance and conduct.

## Delivery and Resources

### 1. Resources

#### PRESCRIBED MATERIALS

- 1) H. Luntz, D. Hambly, K. Burns, J. Dietrich and N. Foster, *Torts: Cases and Commentary*, (7 ed, 2013).
- 2) Civil Liability Act 2002 (NSW)
- 3) Lectures and associated materials
- 4) Primary and secondary source materials (eg. cases, statutes, articles)
- 5) Online materials
- 6) Seminar activity materials

#### REFERENCE MATERIALS

Suggested materials for further reference include:

## JOURNALS

- *The Torts Law Journal*,
- *Australian Civil Liability*,
- *Torts Law Review*

## ONLINE MATERIALS

Example: Australian Torts Reporter (CCH Online) = providing the latest detailed commentary, cases and legislation related to torts law jurisdictions across Australia.

## TEXTS

Carolyn Sappideen, Prue Vines, Penelope Watson, *Torts: Commentary and Materials* (Law Book Co/Thomson Reuters, 11th ed, 2012).

Martin Davies and Ian Malkin, *Torts* (LexisNexis Butterworths, 6th ed, 2012) – text and short case extracts; also helpful for guidance on hypotheticals (examples, feedback, practice). Julia Davis, *Connecting with Tort Law* (Oxford University Press, 2012).

Tim Paine, *Torts, Q&A series* (LexisNexis Butterworths, 3rd Ed, 2012) helpful for guidance on hypotheticals (examples, feedback, practice); Ch 1 is useful on interpreting the Civil Liability legislation; Ch 11 contains revision questions.

## 2. Teaching and Learning Activities

Lectures	Weekly lectures from staff are pre-recorded and posted online on ilearn each week from Week 1 to Week 13 - for all students (external and internal).
Seminars	Seminars in which legal principles and complex legal issues are examined, critiqued and analysed by students and staff. (Seminars for internal students begin in Week 1 and end in Week 13; external students will attend on campus sessions as scheduled).
Reading and writing	Students will have personal responsibility for reading all materials, note taking, and preparation of written answers to seminar questions, assignments and exam.
Collaboration	Students are encouraged to form study groups to discuss course content, engage in online discussion with each other, and to prepare answers to seminar questions jointly.
Communication	Discussion of legal principles, issues and hypotheticals both in and out of class; students will be called upon in class.
Self-Directed Learning	Students will complete self-directed learning tasks using online resources and other materials as required.

Each week students will be required to engage with the teaching and learning activities in order to develop the expected proficiency in The Law of Obligations II - Torts.

Note that students should understand that, as is the case in other disciplines, **most learning**



**occurs outside the classroom** for law-related studies. Students are expected, as adults in the higher education system, to assume responsibility for much of their own learning; and as university students completing a JD-level law degree, are expected to exercise a high level of autonomy and professionalism toward their studies. Academics will have put in a significant amount of time and effort into designing and preparing materials, which includes both delivery of content and guiding students to other resources that will aid their learning. They are available to discuss, provide feedback, and respond to questions *however*, the student is ultimately responsible for engaging with the required materials and completing the required tasks.

### **Specific Activities Each Week:**

On the subject page in iLearn, at the top of each week, will be a list of topics to be covered in that week. Students are required to engage with other materials placed online (at iLearn) and beyond. The pattern of study for each week should include that students:

1. **Read** the 'Topic Overview' pages
2. **Listen** to lectures/short information recordings;
3. **Watch** videos (when relevant);
4. **Complete**
  - a. the assigned readings – which will include such things as reading of the text, common law judgments, statutes, and other secondary sources – and engage in note taking. (Note taking is an active form of learning which helps students order information in a way that they understand it, and aids in retention and ability to recall information);
  - b. any further activities placed online (eg. self-test quizzes, etc).
5. **Prepare** draft answers to seminar questions.

You are encouraged to **communicate** and **collaborate** with other students when engaging with the above pattern of study.

NOTE: engaging each week with the above pattern of study will improve your learning and ability to analyse legal issues and critique the law. As the semester progresses, students will find their ability to read legal materials will improve. Mirroring that change, the subject's pace quickens as the semester progresses.

Tip: Always look up and learn unfamiliar phrases in a law dictionary.

### **Seminar Groups**

Seminar groups provide an opportunity to discuss what you have read, evaluate your reading from new perspectives and share your ideas with classmates. Classes will help students 'make sense' of the reading, and give them regular opportunities to practise analytical skills. In order for the classes to work successfully, **students must come ready to ask and answer questions**. The seminar leader will act as a guide, but the discussion should be dominated by students. Again, all students are encouraged to work with others in preparing notes and completing seminar questions.

Remember to engage with the materials studied and participate in class. Try not to be shy:

relax, and make the most of the chance to discuss moral, ethical, and legal issues. You have the opportunity to hear what other students have to say, and a chance to teach one another. Active class participation can produce an inspiring, stimulating, learning experience, whereby you can and will learn from each other as well as from your lecturer. An important immediate consequence of learning in this fashion, where class discussion will challenge your thoughts and understanding of the material studied, is that you will have to learn to read acutely.

### General Matters

Don't become anxious if you fall behind on occasion. However, try not to fall too far behind, too often! It is your responsibility to catch up if you have fallen behind. While guidance and advice can be provided by your lecturers, the onus will be on you to catch up. Lecturers are not in a position to re-teach material that has already been discussed in classes you have missed.

Please check your e-mail and the Torts iLearn page for important information relevant to Torts, guest speakers, video presentations, etc.

If you have *any* questions or comments about the subject, the reading or the way in which your studies are progressing, be sure to talk to your seminar leader or Unit Convenor.

Note that **the University has schemes in place that provide learning and well-being support.**

### 3. Feedback

There are a number of opportunities offered to students during the semester to find out how you are progressing in *Law of Obligations II - Torts*. Students have a role in ensuring that they exploit opportunities for feedback. While there are several ways in which feedback is provided, it is important to realise that any initiative to give quality feedback can only work in an atmosphere in which both students and lecturers are actively engaged with one another throughout the semester in the teaching and learning process. Effective and useful feedback opportunities in *Torts* include formal and informal methods. These include the following:

**a) Answering questions during and after class:** this is a useful form of feedback, as the responses given to your queries verify your understanding of particular issues.

**b) Learning from one another:** students are encouraged to form study groups so that they can take advantage of the opportunity to learn from one another.

- Course Content: Study groups for engaging with course materials generally can be as formal as meeting regularly throughout the semester, or as informal as meeting once or twice, for example, to discuss how you are going in the subject.
- Seminars: students are encouraged to form study groups and work together (either in person or online) to practice and prepare draft answers/notes regarding set problem-based questions prior to seminars. Engaging with the seminar questions and activities, and attendance at the seminars, provides you with an opportunity to receive feedback from the lecturer and other students that will help you develop your skills and

understanding without being assessed (graded) on the answer you have provided. *Note: your actual answers for the seminars are not graded, but your **participation and preparation** are.*

- Group feedback: You can also arrange to meet with the lecturer as a group to get feedback on the group's analysis of problem questions.
- Assignment: You will be *required* to engage in a group (paired) assignment.

**c) Constructive and effective use of e-mail/online forums to provide quick help:** E-mail/discussion on online forums (with fellow students and/or the lecturer) can be an effective way to obtain quick feedback. Such mediums are useful for answering brief, pointed, discrete queries. Note, though, that some questions are better dealt with in person (for example, because of the complexity of the question). In emailing the lecturer, it is helpful to provide a telephone number where you can be reached so the lecturer can seek clarification of your question and offer a better response if necessary.

**d) Weekly meeting or interview times:** members of academic staff set time aside each week to meet with students (in addition to other meetings you may wish to arrange with them). We encourage you to use this regularly scheduled meeting time effectively. This is a genuine opportunity for one-on-one or small group feedback.

**e) Comments on your Assignment:** these provide useful assistance for improvement purposes. You can also make an appointment to see your lecturer to receive additional oral comments on your paper. Such meetings are an invaluable tool for you to improve your hypothetical and essay writing skills.

## Unit Schedule

WEEK	TOPICS (FOR LECTURES, ONLINE MATERIALS AND SEMINARS)
1	<ul style="list-style-type: none"><li>• Introduction to Torts</li><li>• Remedies (Focus on damages)</li><li>• Limitation Periods</li></ul>
2	<b>Intentional Torts (Person):</b> <ul style="list-style-type: none"><li>• Assault</li><li>• Battery</li><li>• False Imprisonment</li></ul>
3	<b>Intentional Torts (Property):</b> <ul style="list-style-type: none"><li>• Trespass to Goods</li><li>• Conversion</li><li>• Detinue</li></ul>

4	<p><b>Intentional Torts:</b></p> <ul style="list-style-type: none"> <li>• Trespass to Land</li> <li>• Defences</li> </ul>
5	<p><b>Private Nuisance</b></p>
6	<p><b>Negligence:</b></p> <ul style="list-style-type: none"> <li>• Overview of Cause of Action (Damage; Elements)</li> <li>• Reforms (Ipp)</li> </ul> <p><b>Duty of care:</b></p> <ul style="list-style-type: none"> <li>• Development of Legal Principle</li> <li>• Established Categories</li> <li>• Scope</li> <li>• Current Australian approach in novel circumstances</li> </ul>
7	<p><b>Duty of Care (cont)</b>o High Court approach in context:</p> <ul style="list-style-type: none"> <li>• Joint Illegality</li> <li>• Self-induced intoxication</li> <li>• Advocate's immunity</li> <li>• Child Protection Agencies</li> <li>• The Police</li> <li>• Armed Forces</li> <li>• Government Policy/Discretion</li> </ul> <p>o Function of Judge and Jury, Appellate Court and Trial Judge</p>
<p><b>BREAK</b></p>	
8	<p><b>Negligence continued: Breach</b></p> <ul style="list-style-type: none"> <li>• Elements: Rfs; Not Insignificant; Standard of care ('Calculus')</li> <li>• Standard of Care: Professionals</li> <li>• Obvious and Inherent Risks</li> </ul>
9	<p><b>Negligence Continued: Causation</b></p> <ul style="list-style-type: none"> <li>• Factual Causation</li> <li>• Scope of Liability</li> </ul>
10	<p><b>Negligence Continued:Defences</b></p> <ul style="list-style-type: none"> <li>• Contributory Negligence</li> <li>• Voluntary Assumption of Risk</li> <li>• Exemption Notices</li> </ul> <p><b>Particular negligence situations (A)</b></p> <ul style="list-style-type: none"> <li>• Mental Harm</li> <li>• Medical liability</li> </ul>
11	<p><b>Negligence Continued:Particular negligence situations (B)</b></p> <ul style="list-style-type: none"> <li>• Statutory Authorities</li> <li>• Economic Loss</li> </ul>

12	<b>Negligence Continued: Particular negligence situations (C)</b> <ul style="list-style-type: none"><li>• Occupier's Liability</li><li>• Omissions</li><li>• The Unborn Plaintiff</li></ul>
13	<b>Who can sue and be sued?</b> <ul style="list-style-type: none"><li>• Wrongful Death</li><li>• Vicarious Liability</li><li>• Non-delegable Duties</li><li>• Statutory Immunities</li></ul> <b>Alternate compensation schemes</b> (in brief)

Each week a topic overview which includes reference to the required readings is posted on **ilearn**, along with other resources that students are required to read, watch, listen to, or otherwise complete. Separate tutorial activities will also be posted online.

## Learning and Teaching Activities

### Lectures

Lectures from staff (and possibly guest lectures)

### Seminars

Seminars in which legal principles and complex legal issues are examined by students and staff.

### Reading and writing

Students will have personal responsibility for reading all materials, note taking, and preparation of written answers to seminar questions, assignments and exam.

### Collaboration

Students are encouraged to form study groups to discuss course content, engage in online discussion with each other, and to prepare answers to seminar questions jointly.

### Communication

Discussion of legal principles, issues and hypotheticals both in and out of class; students will be called upon in class.

### Self-Directed Learning

Students will complete self-directed learning tasks using online resources and other materials as required.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

### Disruptions to Studies

When a student suffers a disruption to study which is 'serious and unavoidable' they may apply for special consideration. In order to do so the student must meet the criteria under the Macquarie University "Disruption to Studies" policy and be approved by the Unit Convenor. Applications are made online at [ask.mq.edu.au](http://ask.mq.edu.au). Outcomes for recognized serious and unavoidable disruptions to studies are as set out in the University schedule - [http://www.mq.edu.au/policy/docs/disruption\\_studies/schedule\\_outcomes.html](http://www.mq.edu.au/policy/docs/disruption_studies/schedule_outcomes.html)

When a disruption to study is not serious or unavoidable, the approach to special consideration and the impact on your assessment is as set out in the Unit Guide above regarding each assessment task.

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

### Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

#### Learning outcomes

- Demonstrate advanced knowledge of the fundamental doctrines, concepts, principles, values and sources (both common law and statute) for different types of torts and categories of liability.
- Recognise a number of contemporary developments in the law, and reflect upon how such developments may impact upon tort-feasors and claimants.
- Engage in critical legal reasoning, analysis and research to generate appropriate responses to tort-based legal issues.
- Communicate in ways (both orally and in writing) that are effective, appropriate and persuasive for legal and non-legal audiences.
- Collaborate with others to address complex legal tort law issues, drawing upon relevant legal principles and policy.

#### Assessment tasks

- Hypothetical
- Class Participation
- Take Home Exam

## PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

### Learning outcomes

- Demonstrate advanced knowledge of the fundamental doctrines, concepts, principles, values and sources (both common law and statute) for different types of torts and categories of liability.
- Recognise a number of contemporary developments in the law, and reflect upon how such developments may impact upon tort-feasors and claimants.
- Identify and articulate complex legal issues via engagement with hypothetical problem-based scenarios and other relevant materials.
- Engage in critical legal reasoning, analysis and research to generate appropriate responses to tort-based legal issues.
- Communicate in ways (both orally and in writing) that are effective, appropriate and persuasive for legal and non-legal audiences.
- Collaborate with others to address complex legal tort law issues, drawing upon relevant legal principles and policy.

### Assessment tasks

- Hypothetical
- Class Participation
- Take Home Exam

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

### Learning outcomes

- Identify and articulate complex legal issues via engagement with hypothetical problem-based scenarios and other relevant materials.



- Engage in critical legal reasoning, analysis and research to generate appropriate responses to tort-based legal issues.
- Communicate in ways (both orally and in writing) that are effective, appropriate and persuasive for legal and non-legal audiences.
- Collaborate with others to address complex legal tort law issues, drawing upon relevant legal principles and policy.

## **Assessment tasks**

- Hypothetical
- Class Participation
- Take Home Exam

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

## **Learning outcomes**

- Identify and articulate complex legal issues via engagement with hypothetical problem-based scenarios and other relevant materials.
- Engage in critical legal reasoning, analysis and research to generate appropriate responses to tort-based legal issues.
- Communicate in ways (both orally and in writing) that are effective, appropriate and persuasive for legal and non-legal audiences.
- Collaborate with others to address complex legal tort law issues, drawing upon relevant legal principles and policy.
- Demonstrate a high level of autonomy, accountability and professionalism in relation to study, research, performance and conduct.

## **Assessment tasks**

- Hypothetical
- Class Participation
- Take Home Exam

## **PG - Engaged and Responsible, Active and Ethical Citizens**

Our postgraduates will be ethically aware and capable of confident transformative action in

relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

## **Learning outcomes**

- Recognise a number of contemporary developments in the law, and reflect upon how such developments may impact upon tort-feasors and claimants.
- Collaborate with others to address complex legal tort law issues, drawing upon relevant legal principles and policy.
- Demonstrate a high level of autonomy, accountability and professionalism in relation to study, research, performance and conduct.

## **Assessment tasks**

- Class Participation
- Take Home Exam

## **PG - Capable of Professional and Personal Judgment and Initiative**

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

## **Learning outcomes**

- Identify and articulate complex legal issues via engagement with hypothetical problem-based scenarios and other relevant materials.
- Communicate in ways (both orally and in writing) that are effective, appropriate and persuasive for legal and non-legal audiences.
- Demonstrate a high level of autonomy, accountability and professionalism in relation to study, research, performance and conduct.

## **Assessment tasks**

- Hypothetical
- Take Home Exam

## Changes since First Published

Date	Description
11/10/2014	Exam dates
21/08/2014	Update to assessment due date
16/07/2014	Update to include disruptions to study advice
16/07/2014	Update to include disruptions to study advice
20/06/2014	Update to assessment