



LAWS8040

Law of Obligations II - Torts

Session 2, Special circumstance 2020

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	3
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	5
<u>Unit Schedule</u>	6
<u>Policies and Procedures</u>	7
<u>Changes from Previous Offering</u>	9

Disclaimer

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Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff

Convenor

Dr Uche Ngwaba

uche.ngwaba@mq.edu.au

Contact via uche.ngwaba@mq.edu.au

Wednesday (12pm to 1pm); other times by appointment

Lecturer/Tutor

A/Prof Carlos Bernal-Pulido

Lecturer/Tutor

Dr Amanda Head

Credit points

10

Prerequisites

(LAWS803 or LAWS8030)

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. It also lays a foundation for the capstone unit LAWS815 Remedies, Reparations and Resolutions in Law.

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:

ULO1: Describe and analyse the fundamental doctrines, concepts, principles, values and sources (both common law and statute) for different types of torts and categories of liability

ULO2: Recognise and critique contemporary developments in the law of torts and reflect upon how such developments may impact upon tort-feasors and claimants.

ULO3: Identify, classify and resolve complex legal issues related to contemporary tort law

ULO4: Engage in critical legal reasoning, analysis, research and written and oral communication to generate appropriate responses to tort-based legal issues.

General Assessment Information

Applications for Special Consideration are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the Special Consideration policy for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Detailed marking rubrics will be made available on iLearn, assessments are moderated by the convenor for consistency and all fail papers are double marked.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - two (2) marks out of 100 will be deducted per day for assignments submitted after the due date and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Research Essay</u>	40%	No	25/09/2020 (6pm)
<u>Two multiple choice quizzes to test understanding of the unit content</u>	20%	No	Week 4; and Week 10

Name	Weighting	Hurdle	Due
<u>Final timed assessment</u>	40%	No	11/11/2020 (12-4pm)

Research Essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 40 hours

Due: **25/09/2020 (6pm)**

Weighting: **40%**

A research essay related to tort law doctrine and theory

On successful completion you will be able to:

- Recognise and critique contemporary developments in the law of torts and reflect upon how such developments may impact upon tort-feasors and claimants.
- Engage in critical legal reasoning, analysis, research and written and oral communication to generate appropriate responses to tort-based legal issues.

Two multiple choice quizzes to test understanding of the unit content

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 2 hours

Due: **Week 4; and Week 10**

Weighting: **20%**

Two quizzes will be scheduled to test unit materials, especially problem material covered in tutorials

On successful completion you will be able to:

- Describe and analyse the fundamental doctrines, concepts, principles, values and sources (both common law and statute) for different types of torts and categories of liability
- Identify, classify and resolve complex legal issues related to contemporary tort law

Final timed assessment

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 4 hours

Due: **11/11/2020 (12-4pm)**

Weighting: **40%**

A time limited take home problem assessment covering the unit content

On successful completion you will be able to:

- Describe and analyse the fundamental doctrines, concepts, principles, values and sources (both common law and statute) for different types of torts and categories of liability
- Recognise and critique contemporary developments in the law of torts and reflect upon how such developments may impact upon tort-feasors and claimants.
- Identify, classify and resolve complex legal issues related to contemporary tort law
- Engage in critical legal reasoning, analysis, research and written and oral communication to generate appropriate responses to tort-based legal issues.

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

1. Resources

PRESCRIBED MATERIALS

1. Carolyn Sappideen, Prue Vines, Torts: Commentary and Materials (Thomson Reuters, 12th ed, 2016)
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

H. Luntz, D. Hambly, K. Burns, J. Dietrich and N. Foster, Torts: Cases and Commentary, (LexisNexis, 7 ed, 2013).

Martin Davies and Ian Malkin, Torts (LexisNexis, 7th ed, 2015). Julia Davis, Connecting with Tort Law (Oxford University Press, 2012). Tim Paine, Torts, Q&A series (LexisNexis, 4th Ed, 2015).

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.

Unit Schedule

Week	Topic (NB: Tutorials/Seminars start in Week 1)
Week 1	Introduction to Torts: Law and Theory
Week 2	Trespass to the Person and Interference with Chattels
Week 3	Trespass to Land and Nuisance
Week 4	Defences to Intentional Torts
Week 5	Negligence: Duty of Care Principles

Week 6	Negligence: Duty of Care Categories of Harm and Recovery of Loss
Week 7	Negligence: Duty of Care Categories of Harm and Recovery of Loss (continued)
Week 8	Negligence: Special Parties
Week 9	Negligence: Standard of Care and Breach of Duty
Week 10	Negligence: Causation
Week 11	Negligence: Challenges to Causation
Week 12	Negligence: Concurrent Liability and Defences
Week 13	Revision

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway \(https://students.mq.edu.au/support/study/student-policy-gateway\)](https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit <ask.mq.edu.au> or if you are a Global MBA student contact globalmba.support@mq.edu.au

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>) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

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>

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#).

The policy applies to all who connect to the MQ network including students.

Changes from Previous Offering

An update was made to the assessment task to do away with class participation marks.

The marks for class participation has been added to the Final exam task to bring it at par with the Research essay task.

The mode of delivery will include a combination of face to face and online seminars as directed by the Law School's timetable.

The Final Exam has been changed from an online quiz to a timed take-home assessment in the form of a problem or series of tort law problems.