LAWS2400

Torts

Session 2, Special circumstance 2020

Macquarie Law School

Contents

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/Tutor
Dr Uche Ngwaba
uche.ngwaba@mq.edu.au
Contact via uche.ngwaba@mq.edu.au
Wednesday (12pm to 1pm); other times by appointment

Tutor
Dr Amanda Head

Tutor
Dr Carol Louw

Tutor
Leanne Houston

Credit points
10

Prerequisites
(LAW109 or LAWS1300) and (LAWS104 or LAW204 or LAWS1200)

Corequisites

Co-badged status

Unit description
This unit examines the law of torts and its operation in context from doctrinal, practical and theoretical perspectives. The unit builds on and extends knowledge and skills gained in previous law units, with particular emphasis on skills of oral and written communication, problem solving, and analysis of primary source material. 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 intentional torts, nuisance and different types of liability.

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 the fundamental doctrines and sources (both common law and statute) for different types of torts and categories of liability

ULO2: Critically analyse the current state of tort law including law reform proposals and comparative developments in other jurisdictions.

ULO3: Apply tort law to complex problems using appropriate legal problem-solving techniques.

ULO4: Analyse the elements and categories of negligence and determine possible defences to a negligence action

ULO5: Identify and analyse the legal components of selected property torts including nuisance, trespass to land and chattels, conversion and intentional torts to the person.

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. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked. Marks are subject to moderation for the purposes of marking consistency and quality standards.

Assessment Tasks

Name	Weighting	Hurdle	Due
Tort law research essay	40%	No	25/09/2020 (6pm)
Online multiple choice quizzes	20%	No	Week 4; and Week 10
Take-home problem	40%	No	11/11/2020 (12-4pm)

Tort law research essay

Assessment Type [1]: Essay
Indicative Time on Task [2]: 30 hours

Due: **25/09/2020 (6pm)**
Weighting: **40%**

A 2000 word essay on a problem or topic to be announced on iLearn

On successful completion you will be able to:

- Describe the fundamental doctrines and sources (both common law and statute) for different types of torts and categories of liability
- Critically analyse the current state of tort law including law reform proposals and comparative developments in other jurisdictions.
- Analyse the elements and categories of negligence and determine possible defences to a negligence action
- Identify and analyse the legal components of selected property torts including nuisance, trespass to land and chattels, conversion and intentional torts to the person.

Online multiple choice quizzes

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 2 hours
Due: **Week 4; and Week 10**
Weighting: **20%**

Two quizzes will test the materials and problems discussed in lectures and tutorials

On successful completion you will be able to:

- Describe the fundamental doctrines and sources (both common law and statute) for different types of torts and categories of liability
- Apply tort law to complex problems using appropriate legal problem-solving techniques.

Take-home problem

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 4 hours
Due: **11/11/2020 (12-4pm)**
Weighting: **40%**

A final take-home assessment in the form of a problem or series of tort law problems

On successful completion you will be able to:

- Apply tort law to complex problems using appropriate legal problem-solving techniques.
- Analyse the elements and categories of negligence and determine possible defences to a negligence action
- Identify and analyse the legal components of selected property torts including nuisance, trespass to land and chattels, conversion and intentional torts to the person.

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[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

There are no "live" lectures for this unit. This unit is delivered via a combination of online learning content and a weekly one hour (face to face) tutorial from weeks 1-13 for internal students and a compulsory two day on campus session for external students.

The required text is: Sappideen, Vines & Watson, Torts: Commentary & Materials (Thomson Reuters,12th ed, 2016). It can be ordered online from Booktopia or direct from the publisher.

Additional reading will be available via iLearn.

Students require access to a computer and a secure and reliable server. All Unit requirements and a weekly teaching and reading schedule are outlined in iLearn.

All assessments are to be submitted electronically via Turnitin.

Unit Schedule

The complete schedule of readings, learning materials and tutorial requirements is outlined on iLearn

Week	Topic (NB: Tutorials start in Week 1)
Week 1	Introduction to Torts: Law and Theory
Week 2	Trespass to 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
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). 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). 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).

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 hypothetical task to bring it at par with the essay task.

In addition the mode of delivery will include a combination of face to face and online tutorials to take account of the gradual return to campus-based teaching.

Changes since First Published

Date	Description
14/07/2020	Information on where to source for the recommended text in the unit has been changed.