LAWS2400

Torts

Session 2, Infrequent attendance, North Ryde 2021

Macquarie Law School

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Notice
Some on-campus classes have moved online for the first two weeks of Session, before returning to campus in Week 3. If you are studying a unit outside of the primary Session 2 timetable, please contact your teaching staff team for further details.

Some classes/teaching activities cannot be moved online and must be taught on campus. To find out if you are enrolled in one of these classes/teaching activities, you can check to see if your unit is on the list of units with mandatory on-campus classes/teaching activities.

Your Unit Convenor will provide more information via an iLearn announcement when your iLearn unit becomes available.
## General Information

Unit convenor and teaching staff
Convenor and tutor
Rod Smith
roderick.smith@mq.edu.au
Contact via Through the links on the ilearn page

Lecturer
Carlos Bernal-Pulido
carlos.bernal-pulido@mq.edu.au
Contact via Through the links on the ilearn page

Tutor
Amanda Elton
amanda.elton@mq.edu.au
Contact via Through the links on the ilearn page

Tutor
Neil Watt
neil.watt@mq.edu.au
Contact via Through the links on the ilearn page

Tutor
Amanda Head
amanda.head@mq.edu.au
Contact via Through the links on the ilearn page

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://students.mq.edu.au/important-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
Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration policy.

Markers will strictly apply word limits and won’t mark work above them. Markers will use plagiarism detection software.

The iLearn website includes detailed marking rubrics. Markers undertake a process of 'blind marking' to establish a common marking standard. Markers will double mark all Fail assessments. The Unit Convenor will subject marks to moderation for the purposes of consistency and quality standards.

New Late penalty statement: Please update your unit guides Unless a Special Consideration
request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

**Assessment Tasks**

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Hurdle</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tort law research essay</td>
<td>40%</td>
<td>No</td>
<td>24/09/2021 at 11:59 pm</td>
</tr>
<tr>
<td>Online multiple choice quizzes</td>
<td>20%</td>
<td>No</td>
<td>Week 4 and week 10</td>
</tr>
<tr>
<td>Take-home problem</td>
<td>40%</td>
<td>No</td>
<td>11/11/2021 from 1 to 5 pm</td>
</tr>
</tbody>
</table>

**Tort law research essay**

Assessment Type: Essay  
Indicative Time on Task: 30 hours  
Due: 24/09/2021 at 11:59 pm  
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: Quiz/Test  
Indicative Time on Task: 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**: Quiz/Test  
**Indicative Time on Task**: 4 hours  
**Due**: 11/11/2021 from 1 to 5 pm  
**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 Learning Skills Unit 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**

The delivery of this unit combines online learning content (asynchronous work) and a weekly one hour (face to face or online) tutorial from weeks 1-13. There are no "live" lectures for this unit.


Students require access to a computer and a secure and reliable server. The iLearn website
contains all Unit requirements and a weekly teaching, reading, and asynchronous work schedule.

Students should submit all assessments via Turnitin.

Unit Schedule

The iLearn website contains a complete schedule of readings, learning materials, asynchronous work and tutorial requirements.

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic (NB: Tutorials start in Week 1)</th>
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</thead>
<tbody>
<tr>
<td>Week 1</td>
<td>Introduction to Torts: Law and Theory</td>
</tr>
<tr>
<td>Week 2</td>
<td>Trespass to Person and Interference with Chattels</td>
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<tr>
<td>Week 3</td>
<td>Trespass to Land and Nuisance</td>
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<td>Week 4</td>
<td>Defences to Intentional Torts</td>
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<td>Week 5</td>
<td>Negligence: Duty of Care Principles</td>
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<td>Week 6</td>
<td>Negligence: Duty of Care Categories of Harm and Recovery of Loss</td>
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<tr>
<td>Week 7</td>
<td>Negligence: Duty of Care Categories of Harm and Recovery of Loss (continued)</td>
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<tr>
<td>Week 8</td>
<td>Negligence: Special Parties</td>
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<td>Week 9</td>
<td>Negligence: Standard of Care and Breach of Duty</td>
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<td>Week 10</td>
<td>Negligence: Causation</td>
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<td>Week 11</td>
<td>Negligence: Challenges to Causation</td>
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<tr>
<td>Week 12</td>
<td>Negligence: Concurrent Liability</td>
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<tr>
<td>Week 13</td>
<td>Revision</td>
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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](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/admin/other-resources/student-conduct](https://students.mq.edu.au/admin/other-resources/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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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 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 Enquiry Service**

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

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)
Equity 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.

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.