



# LAWS8040

## Law of Obligations II - Torts

Session 2, Infrequent attendance, North Ryde 2021

*Macquarie Law School*

### Contents

---

<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	3
<a href="#"><u>General Assessment Information</u></a>	3
<a href="#"><u>Assessment Tasks</u></a>	3
<a href="#"><u>Delivery and Resources</u></a>	5
<a href="#"><u>Unit Schedule</u></a>	5
<a href="#"><u>Policies and Procedures</u></a>	6

#### **Disclaimer**

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

#### **Session 2 Learning and Teaching Update**

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

Visit the [MQ COVID-19 information page](#) for more detail.

## General Information

Unit convenor and teaching staff

Tutor

Rod Smith

[roderick.smith@mq.edu.au](mailto:roderick.smith@mq.edu.au)

Contact via [roderick.smith@mq.edu.au](mailto:roderick.smith@mq.edu.au)

At the tutor's office at Macquarie Law School

TBA at the tutorial

Rod Smith

[roderick.smith@mq.edu.au](mailto:roderick.smith@mq.edu.au)

Carlos Bernal-Pulido

[carlos.bernal-pulido@mq.edu.au](mailto:carlos.bernal-pulido@mq.edu.au)

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

Students should submit applications for Special Consideration electronically via [ask.mq.edu.au](http://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:

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

Name	Weighting	Hurdle	Due
<a href="#"><u>Research Essay</u></a>	40%	No	27/09/2021 at 11.59 pm
<a href="#"><u>Final timed assessment</u></a>	40%	No	08/11/2021
<a href="#"><u>Two multiple choice quizzes to test understanding of the unit content</u></a>	20%	No	16/08 and 04/10 8:00 pm to 9:00 pm

## Research Essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 40 hours

Due: **27/09/2021 at 11.59 pm**

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.

## Final timed assessment

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 4 hours

Due: **08/11/2021**

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.

## Two multiple choice quizzes to test understanding of the unit content

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 2 hours

Due: **16/08 and 04/10 8:00 pm to 9:00 pm**

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

---

<sup>1</sup> 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.

<sup>2</sup> 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.

The required text is: Sappideen, Vines & Eldrige, Torts: Commentary & Materials (Thomson Reuters, 13th ed, 2021).

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.

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 \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## 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>

## 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](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/>

## 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](mailto: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/](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.