



# LAWS8040

## Law of Obligations II - Torts

Session 2, Online-scheduled-weekday 2023

*Macquarie Law School*

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## General Information

Unit convenor and teaching staff

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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](mailto: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 the prescribed word limits and will not mark work exceeding the word limit or impose a penalty.** Markers will use plagiarism detection software.

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

For the assessment of class participation, please refer to the detailed guidelines posted on iLearn.

### ***Late penalty policy***

Unless a Special Consideration request has been submitted and approved, **a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted**, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (including essays, reports, posters, portfolios, journals, recordings etc). **Late submission of time sensitive tasks** (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) **will only be addressed by the unit convenor in a Special Consideration application. Special Consideration outcome may result in a new question or topic.**

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Research Essay</a>	40%	No	15 September 2023, 11:55pm
<a href="#">Class participation</a>	20%	No	Ongoing (tutorials during Weeks 2-13)
<a href="#">Final timed assessment</a>	40%	No	7 November 2023, 10am-1pm

### Research Essay

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

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

Due: **15 September 2023, 11:55pm**

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.

### Class participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **Ongoing (tutorials during Weeks 2-13)**

Weighting: **20%**

Students will be assessed on participation in tutorial discussions, debates and/or presentations

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.

## Final timed assessment

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

Indicative Time on Task <sup>2</sup>: 6 hours

Due: **7 November 2023, 10am-1pm**

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.

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<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 two hours of lecture every week (one hour face-to-face and one hour pre-recorded), a weekly one hour tutorial (face-to-face or online) during weeks 2-13, and online learning content on iLearn.

The required textbook for this Unit is: **Carolyn Sappideen, Prue Vines and John Eldridge, *Torts: Commentary and Materials* (Thomson Reuters, 13th ed, 2021).**

Students can buy this textbook online from the following sources:

1. Directly from Thomson Reuters: <https://legal.thomsonreuters.com.au/student/> (students can receive 15% discount and free shipping if they sign up for the student Promo Code; Book and eBook bundles can be purchased at a 25% discount)
2. From online resellers such as [Booktopia](#) , [Amazon](#) and [Zookal](#).

*All other supplementary resources will be made available through iLearn.*

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn. Students MUST submit all assessments through iLearn.

## Unit Schedule

The iLearn Unit page contains a detailed schedule of topics covered, required readings, supplementary learning materials and tutorial questions. Below is a brief outline of the topics covered in this Unit:

<b>Week</b>	<b>Lecture topics (tutorials are during weeks 2-13)</b>
Week 1	Introduction to Torts and Intentional Torts
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: Unpacking Duty of Care
Week 6	Duty of Care Categories: Physical Harm and Psychiatric Harm
Week 7	Duty of Care Categories: Wrongful Death and Pure Economic Loss
Week 8	Duty of Care regarding Special Parties
Week 9	Standard of Care and Breach of Duty
Week 10	Causation
Week 11	Damage and Remoteness
Week 12	Concurrent Liability and Defences to Negligence
Week 13	Revision

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://policy) (<https://policy>

[s.mq.edu.au](https://www.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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

## Student Support

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

## The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

## Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

## 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.