

## 730-114 Torts

<b>Credit Points:</b>	12.50
<b>Level:</b>	1 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2009.
<b>Time Commitment:</b>	Contact Hours: Two 2-hour seminars per week Total Time Commitment: 144 hours
<b>Prerequisites:</b>	Legal Method and Reasoning or equivalent.
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	<p>&lt;p&gt;For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.&lt;/p&gt; &lt;p&gt;It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: &lt;a href="http://services.unimelb.edu.au/disability"&gt;http://services.unimelb.edu.au/disability&lt;/a&gt;&lt;/p&gt;</p>
<b>Subject Overview:</b>	<p>This subject considers several private law actions that are classified as torts. It develops and builds upon the skills acquired in Legal Method and Reasoning and continues that subject's examination of substantive legal principles associated with personal injury law. This subject explores statutory regimes as well as common law principles.</p> <p>The torts selected for study - including assault and battery, property-related torts and negligence - demonstrate different kinds of conduct that can lead to liability. This conduct ranges from intentional acts to careless conduct to strict liability (discussed in detail Legal Method and Reasoning). By exploring the tort of negligence in detail, students consider tortious conduct that is characterised as 'careless'. Avenues for reform and an evaluation of commentators' views are included in this examination. Topics relevant to the tort of negligence include the following:</p> <ul style="list-style-type: none"> <li># duty to take care;</li> <li># the standard of care, and breach of duty;</li> <li># causation, legally recognised damage and remoteness of harm;</li> <li># defences;</li> <li># alternative forms of accident compensation;</li> <li># wrongful death - a separate statutory action;</li> <li># vicarious liability - relevant to several torts;</li> <li># concurrent liability.</li> </ul>
<b>Objectives:</b>	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> <li>• understand and be able to critically evaluate common law reasoning</li> <li>• understand and be able to critically evaluate statutory regimes</li> <li>• demonstrate a sound, in-depth understanding of the fundamental legal principles associated with personal injury law, in particular the tort of negligence</li> <li>• be able to identify, apply, challenge and critically evaluate several fundamental legal principles associated with personal injury law</li> <li>• be able to solve legal problems derived from personal injury law</li> <li>• understand and be able to describe the fundamental legal principles underlying intentional torts</li> </ul>

	<ul style="list-style-type: none"> <li>• understand and be able to describe the fundamental legal principles underlying property-related torts</li> <li>• demonstrate an understanding of loss distribution mechanisms</li> <li>• be able to discuss and critically evaluate the social, economic and political context in which a number of fundamental tortious legal principles operate in Australia</li> <li>• have appreciated the way in which law reform operates</li> <li>• have acquired an attitude to legal education which accepts pre-reading, reflection and class discussion as essential to learning.</li> </ul>
<b>Assessment:</b>	Research assignment of 1500 words, 50% (due week 7) and a final open-book examination of two hours, 50%.
<b>Prescribed Texts:</b>	Printed materials will be issued by Melbourne Law School.1958 (Wrongs Act), (Vic) latest reprint
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li>• attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage</li> <li>• the capacity for close reading and analysis of a range of sources</li> <li>• the capacity for critical and independent thought and reflection</li> <li>• the capacity to solve problems, including through the collection and evaluation of information</li> <li>• the capacity to communicate, both orally and in writing</li> <li>• the capacity to plan and manage time</li> <li>• the capacity to participate as a member of a team</li> <li>• intercultural sensitivity and understanding</li> </ul> <p>In addition, on completion of the subject, students should have further developed the following skills specific to the discipline of law, which were introduced in "Legal Method and Reasoning":</p> <ul style="list-style-type: none"> <li>• case reading and analysis, including an ability to: <ul style="list-style-type: none"> <li>- extract important features from judgments</li> <li>- reconcile judgments</li> <li>- evaluate the development of legal principles</li> <li>- apply legal principles arising from case law to new situations</li> </ul> </li> <li>• statutory reading, interpretation and analysis, including an ability to: <ul style="list-style-type: none"> <li>- extract important features from statutes</li> <li>- evaluate the development of statutory rules</li> <li>- use, interpret and apply statutory provisions to new situations</li> </ul> </li> <li>• legal analysis and problem-solving, including an ability to: <ul style="list-style-type: none"> <li>- identify and analyse legal issues arising in complex fact situations</li> <li>- demonstrate ways in which disputes can be resolved</li> </ul> </li> <li>• legal research skills, including an ability to: <ul style="list-style-type: none"> <li>- find case law</li> <li>- find statutes</li> <li>- find secondary sources</li> </ul> </li> <li>• legal writing skills, including an ability to: <ul style="list-style-type: none"> <li>- use case law as part of legal analysis</li> <li>- use statutes as part of legal analysis</li> <li>- use secondary sources as part of legal analysis</li> <li>- identify and summarise legal principles</li> <li>- evaluate the significance and implications of decisions and legislation</li> <li>- provide an in-depth critical analysis of the legal responses to issues arising in tort law</li> <li>- use proper referencing and citation</li> <li>- provide advice on legal issues</li> </ul> </li> <li>• oral communication skills, by participating in classroom problem solving and discussion</li> </ul>
<b>Related Course(s):</b>	Bachelor of Music and Bachelor of Laws