

LAWS50025 Torts

Credit Points:	12.50
Level:	5 (Graduate/Postgraduate)
Dates & Locations:	2010, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Seminars.
Time Commitment:	Contact Hours: Two 2-hour seminars per week. Total Time Commitment: 144 hours.
Prerequisites:	733-510 Legal Method and Reasoning.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: http://www.services.unimelb.edu.au/disability/ .
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Subject Overview:	<p>This subject considers the nature and foundations of the law of torts. It builds upon ideas introduced in Legal Method and Reasoning 733-510 and goes on to examine a number of substantive torts. These include well-developed trespass torts to the person, the ubiquitous tort of negligence and a (relatively) newer statutory tort. The examination of doctrine takes place in a context which illuminates both the aims of tort law and the limitations of tort as a method of compensation.</p> <p>Topics will include:</p> <ul style="list-style-type: none"> # History of tort liability. The trespass torts to the person and the development of the action on the case; # The nature of tort law. Contrasts with contract law and criminal law. The elements of the typical tort – loss, causation and a responsibility base; # Tort theory. This includes corrective justice, . instrumentalist accounts, distributive justice and deterrence; # The tort of negligence – duty, breach, scope of liability (causation, remoteness), defences; # Statutory tort – strict product liability; # Legislative reform following the Ipp Committee <i>Review of the Law of Negligence Final Report</i> and amendments to the <i>Wrongs Act 1958</i> (Vic); # Tort law in development – reference to the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic); comparison with development of tort in Europe under the European Charter of Human Rights and Fundamental Freedoms; # Liability for third party wrongs – for example, vicarious liability.
Objectives:	<p>The aim of this subject is for students to develop an understanding of the foundations of the law of torts through close reading of cases, statutes and scholarly writing and by means of participation in class discussion. It is expected that on completion of this subject students should understand the nature and structure of the law of torts and be able to:</p> <ul style="list-style-type: none"> # Identify relevant principles in statutes and cases;

	<ul style="list-style-type: none"> # Apply those principles to particular fact situations to reach well-reasoned conclusions about the rights and obligations of the parties; # Develop creative arguments as to ways in which the relevant principles could be applied to novel fact situations; # Analyse tort doctrines from a range of perspectives; # Evaluate the effectiveness of tort law in fulfilling its aims; # Utilise comparisons with other legal systems to analyse and evaluate the way in which particular problems are addressed by Australian tort law.
Assessment:	2,000-word Research Assignment (30%); Supervised Three-Hour Open-Book Examination (70%).
Prescribed Texts:	Harold Luntz, David Hambly, Kylie Burns, Joachim Dietrich and Neil Foster, Torts: Cases and Commentary (latest edition), LexisNexis Butterworths; Wrongs Act 1958 (Vic) (latest version); Printed materials will be available from the Melbourne Law School.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage; # The capacity for close reading and analysis of a range of sources; # The capacity for critical and independent thought and reflection; # The capacity to solve problems, including through the collection and evaluation of information; # The capacity to communicate, both orally and in writing; # The capacity to plan and manage time.
Related Course(s):	Juris Doctor