

# LAWS50025 Torts

<b>Credit Points:</b>	12.50																	
<b>Level:</b>	5 (Graduate/Postgraduate)																	
<b>Dates &amp; Locations:</b>	2013, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus. Two 2-hour seminars per week or as an intensive.																	
<b>Time Commitment:</b>	Contact Hours: 48 hours. Total Time Commitment: 144 hours.																	
<b>Prerequisites:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Not offered 2013</td> <td>12.50</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	Not offered 2013	12.50	LAWS50024 Principles of Public Law	Not offered 2013	12.50	LAWS50026 Obligations	Not offered 2013	12.50	LAWS50027 Dispute Resolution	Not offered 2013	12.50
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<b>Corequisites:</b>	None.																	
<b>Recommended Background Knowledge:</b>	None.																	
<b>Non Allowed Subjects:</b>	None.																	
<b>Core Participation Requirements:</b>	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>																	
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475																	
<b>Subject Overview:</b>	<p>This subject explores a core area of private law, being the law of torts. It builds upon skills introduced in the foundational subject, Legal Method and Reasoning, both with respect to the reading of cases and the interpretation of legislation. In substantive terms, the focus will be on a core area within the law of torts, negligence law. While traditionally a domain of the common law, the contemporary law of torts, and especially negligence, increasingly receives attention from the legislature. This provides an exciting and challenging opportunity to investigate in some considerable detail the interaction (and, at times, tensions) between judge-made and statute</p>																	

	<p>law. In addressing this interaction, close attention will be paid to the various (and, at times, competing) functions and objectives of tort law.</p> <p>Topics to be covered in this subject include:</p> <ul style="list-style-type: none"> <li># Features of tort law: classifications and definitions;</li> <li># Aims of tort law: the changing nature of tort law (including the Ipp Panel reforms and human rights norms);</li> <li># Causes of action: assault and battery (intentional torts);</li> <li># Cause of action: the tort of negligence (carelessness);</li> <li># Cause of Action: the tort of private nuisance;</li> <li># Remedies: damages assessment;</li> <li># Statute-based strict liability: the Australian Consumer Law and the Competition and Consumer Act 2010 (Cth);</li> <li># State-based compensation schemes.</li> </ul>
<b>Objectives:</b>	<ul style="list-style-type: none"> <li># Research and identify relevant principles in statutes and cases;</li> <li># Apply those principles to complex fact situations in order to reach well-reasoned conclusions about the rights and obligations of the various parties;</li> <li># Develop creative and well-founded arguments in which the relevant principles could be applied to novel fact situations;</li> <li># Critically analyse and evaluate various tort doctrines from a range of perspectives;</li> <li># Critically analyse and evaluate the effectiveness of tort law in fulfilling its aims.</li> <li># Communicate analysis, arguments and conclusions concerning tort law clearly and effectively in written form, incorporating appropriate citation practices.</li> </ul>
<b>Assessment:</b>	2,000 word written exercise - due during semester in accordance with a coordinated assessment schedule (30%); Supervised 3-hour (open book) examination during the University exam period (70%).
<b>Prescribed Texts:</b>	Harold Luntz etc, Torts Cases and Commentary (LexisNexis Butterworths, 7th ed, 2013) Specialist printed material will also be made available from Melbourne Law School.
<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 cognitive, technical and creative skills to demonstrate:</p> <ul style="list-style-type: none"> <li># An approach to problem solving that is both well founded in established legal thinking and sufficiently creative to allow for existing boundaries to be tested and pushed;</li> <li># The ability to generate and evaluate sophisticated ideas about the role and functioning of tort law at both an abstract and applied level;</li> <li># The ability to analyse and explain how compensation ideals affect legal thinking and practice in tort law.</li> </ul>
<b>Related Course(s):</b>	Juris Doctor