

# LAWS50025 Torts

<b>Credit Points:</b>	12.5															
<b>Level:</b>	5 (Graduate/Postgraduate)															
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus. Semester 2, Parkville - Taught on campus. The November offering of this subject has a quota of 120 students (60 students per stream). Please refer to the Melbourne Law JD website for further information about subject quotas.															
<b>Time Commitment:</b>	Contact Hours: 48 hours Total Time Commitment: 144 hours															
<b>Prerequisites:</b>	Successful completion of all the below subjects: <table border="1" data-bbox="389 629 1485 949"> <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>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50
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LAWS50026 Obligations	Semester 1	12.50														
LAWS50027 Dispute Resolution	Semester 1	12.50														
<b>Corequisites:</b>	None															
<b>Recommended Background Knowledge:</b>	None															
<b>Non Allowed Subjects:</b>	None															
<b>Core Participation Requirements:</b>	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 inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.															
<b>Coordinator:</b>	Assoc Prof Martin Vranken, Mr Brad Jessup															
<b>Contact:</b>	Email: <a href="mailto:law-aso@unimelb.edu.au">law-aso@unimelb.edu.au</a> ( <a href="mailto:law-aso@unimelb.edu.au">mailto:law-aso@unimelb.edu.au</a> ) Phone: +61 3 8344 4475 Website: <a href="http://www.law.unimelb.edu.au/jd">www.law.unimelb.edu.au/jd</a> ( <a href="http://www.law.unimelb.edu.au/jd">http://www.law.unimelb.edu.au/jd</a> )															
<b>Subject Overview:</b>	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															

	<p>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 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>
<p><b>Learning Outcomes:</b></p>	<p>The aim of this subject is to provide students with the foundations for an advanced and integrated understanding of the law of torts.</p> <p>It is expected that on completion of this subject students should have specialist cognitive and technical skills to independently:</p> <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>
<p><b>Assessment:</b></p>	<p>Semester 2: 2,000 word written exercise - (30%); Supervised 2-hour (open book) examination - during main examination period (70%). November: 2,000 word written exercise - (30%); Supervised 2-hour (open book) examination – within two weeks of the last day of class (70%). The due date of the above assessment will be available to students via the LMS.</p>
<p><b>Prescribed Texts:</b></p>	<p>Harold Luntz et al, <i>Torts: Cases and Commentary</i> (LexisNexis Butterworths, 7th ed, 2013); <i>Wrongs Act 1958 (Vic)</i>, available at <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>; Specialist printed material will also be made available from Melbourne Law School.</p>
<p><b>Recommended Texts:</b></p>	<p>Semester 2 only:</p> <ul style="list-style-type: none"> <li># Martin Davies and Ian Malkin, <i>Torts</i> (LexisNexis Butterworths, 7th ed, 2015).</li> </ul>
<p><b>Breadth Options:</b></p>	<p>This subject is not available as a breadth subject.</p>
<p><b>Fees Information:</b></p>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<p><b>Generic Skills:</b></p>	<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 Juris Doctor/Master of Business Administration
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