LAWS70229 Current Issues in Negligence

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: September, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	This subject is not recommended for students who have not completed an undergraduate law degree. It requires students to analyse and engage closely with complex legal texts and doctrines. **Melbourne Law Masters Students:** None **JD Students:** Successful completion of the below subject:

Subject	Study Period Commencement:	Credit Points:
LAWS50025 Torts	November, Semester 2	12.5

Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique 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 to 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.
Coordinator:	Prof Andrew Robertson
Contact:	**Lecturers** **Professor Andrew Robertson (http://www.law.unimelb.edu.au/staff/Andrew%20Robertson)** (Coordinator) **Professor Donal Nolan (http://www.law.unimelb.edu.au/staff/Donal%20Nolan)** Email: **law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au)**

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Subject Overview:	Negligence is one of the most heavily litigated causes of action in common law jurisdictions. It is of enormous practical importance in a very wide range of fact situations. It is also a dynamic area of law: the relevant principles are constantly being applied to new fact situations, and the courts are regularly forced to grapple with difficult questions about the scope of negligence liability. This subject examines key current issues and controversies in the law of negligence in the light of theoretical and comparative perspectives. The lecturers have both published widely on private law topics, including a range of issues in the law of negligence. Principal topics include: # An overview of the law of negligence, including theoretical and historical perspectives and the place of negligence in tort law and private law # The duty of care requirement in general terms, including the distinction between duty in law and duty in fact, the approach to the duty question in novel situations and the role of public policy in duty decisions # Liability for psychiatric injury # Liability for pure economic loss # Liability for omissions # Liability of public authorities # Current issues in the standard of care and its application, with particular reference to professional negligence cases # The requirement of damage # Factual causation, including the relevance of statistical evidence and recovery for loss of a chance # Legal causation # Remoteness/scope of liability # Defences.
Learning Outcomes:	A student who has successfully completed this subject will: # Have an advanced and integrated understanding of current issues in the law of negligence # Be able to examine, analyse, interpret and assess critically the effect of the relevant legal doctrines and statutory provisions # Be an engaged participant in debate regarding emerging and contemporary issues in the field # Have a sophisticated appreciation of the considerations driving the development of this area of the law # Have the cognitive and technical skills to generate critical and creative ideas relating to the different bases of liability, and to critically evaluate existing legal theories, principles and concepts with creativity and autonomy # Have the cognitive and technical skills to analyse and understand the emerging issues in the law of negligence # Have the communication skills to articulate clearly and convey complex information regarding the law of negligence to relevant specialist and non-specialist audiences.
Assessment:	Class participation (20%) including a case presentation 8,000 word research paper (80%) (14 December) on a topic approved by the subject coordinator Students taking the subject as part of the Master of Health and Medical Law must undertake a topic related to health and medical law, which has also been approved by the Director of Studies. A minimum of 75% attendance is a hurdle requirement.
Prescribed Texts:	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
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
Links to further information:	www.law.unimelb.edu.au/subject/LAWS70229/2016

Related Course(s):	Graduate Diploma in Construction Law Graduate Diploma in Legal Studies Juris Doctor Master of Commercial Law Master of Construction Law Master of Health and Medical Law Master of Laws Master of Private Law