Acknowledgement of Country

We acknowledge and pay respects to the Ancestors, Elders and families of the Woiwurrung and Boonwurrung of the Kulin Nation as the traditional owners of this land. We acknowledge that the land on which our campuses stand is the place of age-old ceremonies of celebration, initiation and renewal.

Welcome Hub - Woiwurrung language
TORTS
LAW
RESEARCH

Murray Greenway
2019
Please use the pointing tool (top left of your screen)

Are you able to hear the presenter?

Please point to indicate

YES        NO
CAN’T HEAR?

Please follow these instructions if you are unable to hear the presenter:
When you first enter the classroom this pop-up (please see below) will invite you to nominate whether you wish to make use of the computer or telephone for audio.
Please click the GREEN Call Using Computer button.

If you have closed the dialog box without making a selection then you will not have any audio and will need to close the classroom and click on the link again using CHROME.

In addition, please check the volume in your computer.
Please point to the type of device you are using to join this class today

- Work or home computer
- VU Computer
- Tablet
What you already have or know

- Textbooks
- Subject Reading Guide
- Lecture notes
- Tutorial notes
BASIC RULES

disability

Eggshell w/50 disability

(Loss OR injury) AND negligence

“failure to warn”
- Question and Answer – paine AND torts

- Case summaries – holmes AND torts

- Flowcharts – shircore AND torts
Exercise

Have you ever used a legal dictionary?

YES

NO
SEARCH OPERATORS

AND negligence AND causation
OR medicine OR drug
NOT negligence NOT contributory
w/n injury w/20 compensation
“exact phrase” “medical negligence”
CCH commentary is a primary source of law.

TRUE
Commentary summary

Key Cases

Key Legislation

Causation roadmap

1. Once a duty of care and breach of that duty are established against a defendant, liability will follow if the breach of duty caused or materially contributed to the plaintiff’s injury. “Causation in fact” is an inaccurate description of this inquiry.

2. Whether the breach of duty caused or materially contributed to the plaintiff’s injury is ultimately a value judgment involving ordinary notions of language and common sense.

3. The “but for” test is often applied in considering causation, although this test is inappropriate in a number of situations.

4. The defendant will not be liable for an injury if the causal link has been severed by a novus actus interveniens. Different considerations may apply depending on whether the causal link in question is that between the defendant’s breach of duty and the original injury in respect of which the duty of care arose, or that between the original injury and consequential loss.


Exercise

Which search would you use to locate a roadmap on duty of care?

- Roadmap AND "duty of care"
- Roadmap OR "duty of care"
- "Roadmap duty of care"
- Roadmap AND "duty of care"
LEGAL ENCYCLOPAEDIA

Halsbury’s Laws of Australia – LexisNexisAU

Laws of Australia - WestlawAU
Wrongs Act 1958 (Vic)

TimeBase LawOne
• Legislation from all Australian jurisdictions
When looking for the full-text of an Australian case I usually begin by using:

FirstPoint

Austlii

Google

Jade

CaseBase

Haven’t had to find a case yet
FINDING AUSTRALIAN CASES

CaseBase – LexisNexisAU (State – Authorised Reports)

- Scanlon v American Cigarette [1987] VR 289

FirstPoint – WestlawAU (Federal – Authorised Reports)

- March v E & MH Stramare Pty Ltd (1991) 171 CLR 506

Use both if doing an assignment
Which citator links directly to the authorized reports of the High Court of Australia?

- CaseBase
- Lexis Advance
- FirstPoint
- TimeBase
FINDING UK (England & Wales) CASES

- ICLR (Authorised Reports)
- WestlawUK (Unauthorised Reports and Digest)

- *Donoghue v Stevenson* [1932] AC 562
Which database should you search first if you are looking for the full-text of a UK case?

- Lexis
- WestlawUK
- ICLR
- CaseBase
RECORD YOUR ATTENDANCE

This session is provided for the Learning Hub

Please email me your name and student number to have your attendance recorded

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QUESTIONS
CONTACT DETAILS

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City Queen Library
Phone +61 3 9919 1834
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Law Library Service Desk 9919 1852
First time Sign In

Sign in to the Victoria University App using a current VU student or staff ID & password.

Continue as a Guest without entering a username & password.

Support with signing in with your VU account.
VU Tab: My Learning Hub

The horizontal scrollbar allows access to:

- **My Essentials**: your Essential Activities
- **My List**: Complete & incomplete Essential Activities you have ‘added’
- **Skills**: Global Skills list & related activities
- **Search LH**: Search the entire Learning Hub database for activities, units & courses
CONNECT WITH LEARNING HUB

Connect to My Learning Hub

Permanently connect your Learning Hub by signing in with your VU student ID & password. You will then need to login to Learning Hubs online or create a Learning Hubs online account.

LOG IN

Log in as a
- Current Student or Staff Member
- Graduate

Having Problems?
- Employer Login
VALIDATE ACTIVITY

My Learning Hub: Book/Validate an Activity from My Essentials

**Validate:** Select a Course/Study Essential from My Essentials. Select an activity, then select Validate. The scanner will open the camera. Scan the activity QR code to validate completion.

**Book:** Select a Course/Study Essential from My Essentials. Select an activity, then select Book. The in-app browser will launch & display available booking times.
Inquiry Torts 2019