**Research Essay Question S2 2021**

**LAWS2400 (Torts)**

“Where the harm actually suffered is the natural and probable consequence of the tortious conduct, the harm lies within the presumed intention of the tortfeasor. Different questions arise where the harm actually suffered is not of the same kind as that the tortfeasor intended.”

# Simpson AJA in Dickson v Northern Lakes Rugby League Sport & Recreation Club Inc [2020] NSWCA 294

Discuss the application of intention and intent in S3B of the Civil Liability Act 2002 (NSW) in respect to dangerous recreational activities.

Critically analyse this position in light of dangerous recreational activities and the aims of the Ipp Report.

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***Hint****: Your essay should focus on the meaning of intent and intentional as stated in S3B of the CLA which has been discussed in many cases. Then in your critical analysis focus on whether the CLA has achieved the aims in respect to recreational activities and state your position as to whether you believe this approach is justified in light of the aims of tort law.*

Due: **11.59pm Friday 24th September 2021**

Weighting: **40%**

2,000 words maximum

# Guidance

Offer critical arguments and analysis that justify the conclusion(s) of your paper.

Your paper will be marked on basis of the criteria set out in the rubric and by reference to the law of NSW. Examples can also be taken from other jurisdictions to assist with research and help to inform the arguments.

# Requirements of written assignments

All written work must be written clearly, with good grammar, correct word usage, correct punctuation, and lack of spelling errors.

Poor or bad expression will be penalised, as the study of law is one in which clear expression and the meaning of words are of the highest importance.

All written work must be properly referenced and conform to standard stylistic conventions. All authorities (articles, books) and cases must be properly cited.

Students must consult ***The Australian Guide to Legal Citation* (4th edn).**

In addition to clear grammatical sentences, students are expected to structure their work logically. Headings may be used to facilitate the progress of your argument in the essay. A very poorly referenced and expressed essay will likely fail. Essays should not include a bibliography.

Assignments are to comply with the word limit. There is no ‘10% rule’ allowing 10% over the word limit and therefore the marker will stop reading as soon as the word limit has been reached.

The type-face for the body is to be in Times New Roman (or similar) 12-point font and 1.5 line spacing is to be used. Footnotes are to be in Times New Roman (or similar) 10 point font using single line spacing. Footnotes are only to be used for referencing, not for argumentation. All four margins of the pages are to be 2.5cm. Footnotes are not to be counted in the word length. Please submit in word format to turnitin.