

LAW202 Torts B

School: School of Law and Society

2023 | Semester 2

UniSC Sunshine Coast
UniSC Moreton Bay

**BLENDED
LEARNING**

Most of your course is on campus but you may be able to do some components of this course online.

Please go to usc.edu.au for up to date information on the teaching sessions and campuses where this course is usually offered.

1. What is this course about?

1.1. Description

This course continues your introduction to the law of torts with emphasis on negligence. You will begin by examining the historical origins of negligence, the purposes of negligence and the tort reforms of the early 2000s. You will then examine the elements of the cause of action in negligence: duty of care; breach of duty; and causation. You will also study defences, vicarious liability, the assessment of damages, and a range of situations in which negligence is applicable including medicine/health, motor vehicle accidents, occupiers of land, employment, local or public authorities, and 'lawyering'.

1.2. How will this course be delivered?

ACTIVITY	HOURS	BEGINNING WEEK	FREQUENCY
BLENDED LEARNING			
Learning materials – Online materials 1.5 hours each week weeks 1-13	1.5hrs	Week 1	13 times
Tutorial/Workshop 1 – On campus tutorial/workshop 2 hours each week weeks 1-13	2hrs	Week 1	13 times

1.3. Course Topics

- Overview of negligence
- Situating negligence
- Duty of care
- Breach
- Causation
- Defences to negligence
- Calculation of damages
- Established categories
- Negligence in practice

2. What level is this course?

200 Level (Developing)

Building on and expanding the scope of introductory knowledge and skills, developing breadth or depth and applying knowledge and skills in a new context. May require pre-requisites where discipline specific introductory knowledge or skills is necessary. Normally, undertaken in the second or third full-time year of an undergraduate programs.

3. What is the unit value of this course?

12 units

4. How does this course contribute to my learning?

COURSE LEARNING OUTCOMES		GRADUATE QUALITIES
On successful completion of this course, you should be able to...		Completing these tasks successfully will contribute to you becoming...
1	Demonstrate knowledge and critical understanding of the tort of negligence and the manner in which it has been modified by statute.	Knowledgeable
2	Identify legal issues, apply legal reasoning and reach arguable conclusions in response to a broad range of events that reflect real life scenarios.	Creative and critical thinker Empowered
3	Demonstrate the research skills that are needed to be an effective lawyer.	Empowered
4	Demonstrate the skills of organisation and time management to complete problems within a set time.	Empowered
5	Demonstrate the ability to explain legal concepts and lead a discussion of peers.	Engaged
6	Demonstrate effective communication skills.	Empowered

5. Am I eligible to enrol in this course?

Refer to the [UniSC Glossary of terms](#) for definitions of “pre-requisites, co-requisites and anti-requisites”.

5.1. Pre-requisites

(LAW201 and enrolled in any Law Program except AR391 or UU301 or XU301) or

5.2. Co-requisites

LAW102 and enrolled in AR391

5.3. Anti-requisites

Not applicable

5.4. Specific assumed prior knowledge and skills (where applicable)

Not applicable

6. How am I going to be assessed?

6.1. Grading Scale

Standard Grading (GRD)

High Distinction (HD), Distinction (DN), Credit (CR), Pass (PS), Fail (FL).

6.2. Details of early feedback on progress

Early feedback on progress will be available in weekly hands-on tutorials, where students have an opportunity to present (and receive feedback on) responses to hypothetical advice scenarios and Task 2.

6.3. Assessment tasks

DELIVERY MODE	TASK NO.	ASSESSMENT PRODUCT	INDIVIDUAL OR GROUP	WEIGHTING %	WHAT IS THE DURATION / LENGTH?	WHEN SHOULD I SUBMIT?	WHERE SHOULD I SUBMIT IT?
All	1	Quiz/zes	Individual	10%	20 questions	Week 4	Online Test (Quiz)
All	2	Written Piece	Individual	25%	1250 words maximum, no minimum word limit	Week 8	Online Assignment Submission with plagiarism check
All	3	Oral	Individual	15%	5 minute presentation	Week 12	Online Submission
All	4	Examination - Centrally Scheduled	Individual	50%	4 Hours	Exam Period	Online Assignment Submission with plagiarism check

All - Assessment Task 1: Negligence Quiz

GOAL:	The goal of this assessment is to assess your understanding of the material covered in weeks 1 to 3.				
PRODUCT:	Quiz/zes				
FORMAT:	20 questions. This is an individual online assessment. Multiple Choice Questions, 60 minute time limit.				
CRITERIA:	No.				Learning Outcome assessed
	1	Correct answers to quiz questions.			1 2
GENERIC SKILLS:	Problem solving, Organisation, Information literacy				

All - Assessment Task 2: Task 2

GOAL:	The goal of this assessment is to assess your understanding of tort law and your ability to provide sound legal advice to a legal problem from a hypothetical factual scenario.				
PRODUCT:	Written Piece				
FORMAT:	Written legal advice in response to a hypothetical scenario made available in week 5 of semester				
CRITERIA:	No.				Learning Outcome assessed
	1	Application of law, principles and knowledge			1 2
	2	Critical thinking, analysis and reasoning			3
	3	Structure and writing			4 5
	4	Presentation and referencing			4 5
	5	Communication			6
GENERIC SKILLS:	Communication, Problem solving, Organisation, Information literacy				

All - Assessment Task 3: Oral presentation in response to feedback from task 2

GOAL:	The goal of this assessment is to assess your ability to reflect on your learning by addressing feedback provided to you on your task 2 assessment.	
PRODUCT:	Oral	
FORMAT:	Recorded oral presentation uploaded into Canvas	
CRITERIA:	No.	Learning Outcome assessed
	1 Application of law, principles and knowledge	1 2
	2 Critical thinking, analysis and reasoning	3
	3 Presentation and referencing	4 5
	4 Communication	6
GENERIC SKILLS:	Communication, Problem solving, Organisation	

All - Assessment Task 4: Final Examination

GOAL:	The goal of the examination is to assess your understanding of the legal concepts that have been introduced in this course and your ability to apply that understanding to hypothetical factual situations.	
PRODUCT:	Examination - Centrally Scheduled	
FORMAT:	Online examination held during the exam period. Examination answers must be completed and submitted within the allotted time to the online submission point.	
CRITERIA:	No.	Learning Outcome assessed
	1 Correct identification of the relevant legal issues within a factual scenario	1 2 3 4
	2 Appropriate and accurate application of correct principles of law derived from statute and/or case law to the factual scenarios	1 2 3
	3 Appropriate conclusion of appropriate advice for the fictitious 'client' or other identified candidate	1 2 3 4 5
GENERIC SKILLS:	Problem solving, Organisation, Information literacy	

7. Directed study hours

A 12-unit course will have total of 150 learning hours which will include directed study hours (including online if required), self-directed learning and completion of assessable tasks. Student workload is calculated at 12.5 learning hours per one unit.

8. What resources do I need to undertake this course?

Please note: Course information, including specific information of recommended readings, learning activities, resources, weekly readings, etc. are available on the course Canvas site– Please log in as soon as possible.

8.1. Prescribed text(s) or course reader

Please note that you need to have regular access to the resource(s) listed below. Resources may be required or recommended.

REQUIRED?	AUTHOR	YEAR	TITLE	EDITION	PUBLISHER
Required	DAVIES & MALKIN.	2021	FOCUS TORTS, 9TH EDITION.	9th Edition	n/a

8.2. Specific requirements

Students are expected to read cases, articles and legislation as directed.

9. How are risks managed in this course?

Health and safety risks for this course have been assessed as low. It is your responsibility to review course material, search online, discuss with lecturers and peers and understand the health and safety risks associated with your specific course of study and to familiarise yourself with the University's general health and safety principles by reviewing the [online induction training for students](#), and following the instructions of the University staff.

10. What administrative information is relevant to this course?

10.1. Assessment: Academic Integrity

Academic integrity is the ethical standard of university participation. It ensures that students graduate as a result of proving they are competent in their discipline. This is integral in maintaining the value of academic qualifications. Each industry has expectations and standards of the skills and knowledge within that discipline and these are reflected in assessment.

Academic integrity means that you do not engage in any activity that is considered to be academic fraud; including plagiarism, collusion or outsourcing any part of any assessment item to any other person. You are expected to be honest and ethical by completing all work yourself and indicating in your work which ideas and information were developed by you and which were taken from others. You cannot provide your assessment work to others. You are also expected to provide evidence of wide and critical reading, usually by using appropriate academic references.

In order to minimise incidents of academic fraud, this course may require that some of its assessment tasks, when submitted to Canvas, are electronically checked through Turnitin. This software allows for text comparisons to be made between your submitted assessment item and all other work to which Turnitin has access.

10.2. Assessment: Additional Requirements

Eligibility for Supplementary Assessment

Your eligibility for supplementary assessment in a course is dependent of the following conditions applying:

The final mark is in the percentage range 47% to 49.4%

The course is graded using the Standard Grading scale

You have not failed an assessment task in the course due to academic misconduct

10.3. Assessment: Submission penalties

Late submission of assessment tasks may be penalised at the following maximum rate:

- 5% (of the assessment task's identified value) per day for the first two days from the date identified as the due date for the assessment task.

- 10% (of the assessment task's identified value) for the third day - 20% (of the assessment task's identified value) for the fourth day and subsequent days up to and including seven days from the date identified as the due date for the assessment task.

- A result of zero is awarded for an assessment task submitted after seven days from the date identified as the due date for the assessment task. Weekdays and weekends are included in the calculation of days late. To request an extension you must contact your course coordinator to negotiate an outcome.

10.4. SafeUniSC

UniSC is committed to a culture of respect and providing a safe and supportive environment for all members of our community. For immediate assistance on campus contact SafeUniSC by phone: [07 5430 1168](tel:0754301168) or using the [SafeZone](#) app. For general enquires contact the SafeUniSC team by phone [07 5456 3864](tel:0754563864) or email safe@usc.edu.au.

The SafeUniSC Specialist Service is a Student Wellbeing service that provides free and confidential support to students who may have experienced or observed behaviour that could cause fear, offence or trauma. To contact the service call [07 5430 1226](tel:0754301226) or email studentwellbeing@usc.edu.au.

10.5. Study help

For help with course-specific advice, for example what information to include in your assessment, you should first contact your tutor, then your course coordinator, if needed.

If you require additional assistance, the Learning Advisers are trained professionals who are ready to help you develop a wide range of academic skills. Visit the [Learning Advisers](#) web page for more information, or contact Student Central for further assistance: +61 7 5430 2890 or studentcentral@usc.edu.au.

10.6. Wellbeing Services

Student Wellbeing provide free and confidential counselling on a wide range of personal, academic, social and psychological matters, to foster positive mental health and wellbeing for your academic success.

To book a confidential appointment go to [Student Hub](#), email studentwellbeing@usc.edu.au or call 07 5430 1226.

10.7. AccessAbility Services

Ability Advisers ensure equal access to all aspects of university life. If your studies are affected by a disability, learning disorder mental health issue, injury or illness, or you are a primary carer for someone with a disability or who is considered frail and aged, [AccessAbility Services](#) can provide access to appropriate reasonable adjustments and practical advice about the support and facilities available to you throughout the University.

To book a confidential appointment go to [Student Hub](#), email AccessAbility@usc.edu.au or call 07 5430 2890.

10.8. Links to relevant University policy and procedures

For more information on Academic Learning & Teaching categories including:

- Assessment: Courses and Coursework Programs
- Review of Assessment and Final Grades
- Supplementary Assessment
- Central Examinations
- Deferred Examinations
- Student Conduct
- Students with a Disability

For more information, visit <https://www.usc.edu.au/explore/policies-and-procedures#academic-learning-and-teaching>

10.9. Student Charter

UniSC is committed to excellence in teaching, research and engagement in an environment that is inclusive, inspiring, safe and respectful. The [Student Charter](#) sets out what students can expect from the University, and what in turn is expected of students, to achieve these outcomes.

10.10. General Enquiries

In person:

- **UniSC Sunshine Coast** - Student Central, Ground Floor, Building C, 90 Sippy Downs Drive, Sippy Downs
- **UniSC Moreton Bay** - Service Centre, Ground Floor, Foundation Building, Gympie Road, Petrie
- **UniSC SouthBank** - Student Central, Building A4 (SW1), 52 Merivale Street, South Brisbane
- **UniSC Gympie** - Student Central, 71 Cartwright Road, Gympie
- **UniSC Fraser Coast** - Student Central, Student Central, Building A, 161 Old Maryborough Rd, Hervey Bay
- **UniSC Caboolture** - Student Central, Level 1 Building J, Cnr Manley and Tallon Street, Caboolture

Tel: +61 7 5430 2890

Email: studentcentral@usc.edu.au