

# LAW304 Civil Procedure

School: School of Law and Society

2024 | 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](http://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 provides you with an introduction to the procedural rules that govern how civil litigation is conducted in the courts. The course contains an overview of the entire body of rules of civil procedure ranging from commencement of proceedings, to defining issues for trial, to enforcement of judgments. There is particular emphasis upon case management procedures adopted by courts and the various alternative dispute resolution mechanisms that are used to assist people to resolve civil disputes without recourse to a contested hearing and judgment by a court.

### 1.2. How will this course be delivered?

ACTIVITY	HOURS	BEGINNING WEEK	FREQUENCY
<b>BLENDED LEARNING</b>			
<b>Learning materials</b> – Online Learning Materials	1.5hrs	Week 1	13 times
<b>Tutorial/Workshop 1</b> – On campus tutorial	2hrs	Week 1	13 times

### 1.3. Course Topics

- An overview of civil litigation and its processes
- Jurisdiction
- Commencing proceedings (Claim and Statement of Claim)
- Service
- Responding to a Claim (Defence and Notice of Intention to Defend)
- Pleadings
- Parties and causes of action
- Discovery (Disclosure, interrogatories, trial evidence procedures)
- Interlocutory procedures (Injunctions and settlement)
- Trial and appeal processes
- Costs
- Enforcement.

## 2. What level is this course?

300 Level (Graduate)

Demonstrating coherence and breadth or depth of knowledge and skills. Independent application of knowledge and skills in unfamiliar contexts. Meeting professional requirements and AQF descriptors for the degree. May require pre-requisites where discipline specific introductory or developing knowledge or skills is necessary. Normally undertaken in the third or fourth full-time study year of an undergraduate program.

## 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 Explain the process for the resolution of civil disputes in Queensland through the courts and via alternative dispute resolution means.	Knowledgeable Empowered Ethical
2 Analyse a civil procedure problem and apply the relevant rules to suggest an appropriate solution.	Knowledgeable Ethical
3 Draft, using the appropriate drafting technique, a range of court documents that are compliant with the relevant law	Empowered
4 Use written skills to effectively communicate and engage with civil procedure concepts	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

LAW102 and enrolled in any Law Program

### 5.2. Co-requisites

Not applicable

### 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 enabled through discussion of students’ responses to hypothetical scenarios during tutorials. These collaborative environments allow students to practice their own role as advocate – not only on behalf of their imagined client, but through the practice of professional skills like mediation and negotiation.

### 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	15%	45 minutes	Week 4	Online Assignment Submission with plagiarism check
All	2	Written Piece	Individual	35%	1800 words	Week 11	Online Assignment Submission with plagiarism check
All	3	Examination - Centrally Scheduled	Individual	50%	3 Hours	Exam Period	Online Assignment Submission with plagiarism check

#### All - Assessment Task 1: Short Answer Quiz

<b>GOAL:</b>	To demonstrate your understanding of key concepts and principles concerning the resolution of civil disputes through means other than litigation.																
<b>PRODUCT:</b>	Quiz/zes																
<b>FORMAT:</b>	<p>This tasks requires you to respond to questions related to prescribed readings in Weeks 1-3 of the course. In doing so, it requires you to reflect on the relationship and tension between civil trial process and alternative dispute resolution practices.</p> <p>This is a written task, which is to be completed via an online short answer quiz.</p>																
<b>CRITERIA:</b>	<table border="1"> <thead> <tr> <th>No.</th> <th></th> <th>Learning Outcome assessed</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Knowledge of laws and procedures used to resolve legal disputes</td> <td>1</td> </tr> <tr> <td>2</td> <td>Use of argument and analysis to critique legal processes</td> <td>1 2</td> </tr> <tr> <td>3</td> <td>Use of academic writing, as demonstrated through succinct, logical, persuasive and clear language</td> <td>4</td> </tr> <tr> <td>4</td> <td>Accurate comprehension of academic and legal arguments</td> <td>1 2</td> </tr> </tbody> </table>	No.		Learning Outcome assessed	1	Knowledge of laws and procedures used to resolve legal disputes	1	2	Use of argument and analysis to critique legal processes	1 2	3	Use of academic writing, as demonstrated through succinct, logical, persuasive and clear language	4	4	Accurate comprehension of academic and legal arguments	1 2	
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<b>GENERIC SKILLS:</b>	Communication, Applying technologies, Information literacy																

## All - Assessment Task 2: Legal Documents

<b>GOAL:</b>	To demonstrate your understanding of key concepts of civil procedure and your skills of legal drafting.	
<b>PRODUCT:</b>	Written Piece	
<b>FORMAT:</b>	This is an individual assessment which requires students to address a legal problem by drafting the appropriate legal documents. The documents must be drafted to comply with the law and in an appropriate format.	
<b>CRITERIA:</b>	<b>No.</b>	<b>Learning Outcome assessed</b>
	1	Demonstration of knowledge and understanding of civil procedure 1
	2	Ability to explain and apply the relevant process for the resolution of a given civil dispute 1 2
	3	Ability to draft a relevant legal document using the appropriate rules and in accordance with the relevant law 3
	4	Use of professional, accurate and appropriate written language 4
<b>GENERIC SKILLS:</b>	Communication, Problem solving, Information literacy	

## All - Assessment Task 3: Invigilated Final Examination

<b>GOAL:</b>	To demonstrate your understanding of the concepts and principles studied throughout this course and your capacity to apply that understanding to a given fact scenario that mirrors the exigencies of legal practice.	
<b>PRODUCT:</b>	Examination - Centrally Scheduled	
<b>FORMAT:</b>	This assessment task is an online, open-book and invigilated exam. You will be required to attend a live Zoom session throughout the duration of the exam and need access to a working computer, a stable internet connection, and a webcam.	
<b>CRITERIA:</b>	<b>No.</b>	<b>Learning Outcome assessed</b>
	1	Knowledge of the relevant rules and principles governing the resolution of civil disputes in Queensland 1
	2	your ability to apply that knowledge to a given problem scenario to devise an appropriate resolution to that problem in a tight frame 2
	3	your ability to communicate clearly and effectively 4
<b>GENERIC SKILLS:</b>	Communication, Problem solving	

## 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	BERNARD. CAIRNS	0	PRINCIPLES OF CIVIL PROCEDURE IN QUEENSLAND.	2nd edition	n/a

## 8.2. Specific requirements

You will need to have access to the following legislation:

Uniform Civil Procedure Rules 1999 (Qld)

Civil Proceedings Act 2011 (Qld)

Service and Execution of Process Act 1992 (Cth)

Jurisdiction of Courts (Cross-Vesting) Act 1987 (Cth)

Jurisdiction of Courts (Cross-Vesting) Act 1987 (Qld)

## 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:studentcentral@usc.edu.au)