

## Course Outline

**Code: LAW202**

**Title: Torts B**

**School:** Law and Criminology  
**Teaching Session:** Semester 2  
**Year:** 2020

**Course Coordinator:** Susan Little  
**Email:** [slittle1@usc.edu.au](mailto:slittle1@usc.edu.au)

**Course Moderator:** Professor Jay Sanderson  
**Email:** [jsander4@usc.edu.au](mailto:jsander4@usc.edu.au)

Please go to the USC website 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 origins of negligence, the purposes of negligence and the tort reforms of the early 2000's. You will then thoroughly 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, and the assessment of damages. As part of this course, you will have the opportunity to study a range of situations in which negligence is applicable including in medicine/health and motor vehicle accidents, for occupiers of land, in employment, local or public authorities, and 'lawyering'.

#### 1.2 Field trips, WIL placements or activities required by professional accreditation

Activity	Details
NA	NA

### 2. What level is this course?

200 level Developing – Applying broad and/or deep knowledge and skills to new contexts. May require pre-requisites and introductory level knowledge/skills. Normally undertaken in the 2nd or 3rd 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?

<b>Specific Learning Outcomes</b> On successful completion of this course, you should be able to:	<b>Assessment tasks</b> You will be assessed on the learning outcomes in task/s:	<b>Graduate Qualities or Professional Standards mapping</b> Completing these tasks successfully will contribute to:
Demonstrate knowledge and critical understanding of the tort of negligence and the manner in which it has been modified by statute.	1,2 and 3	Knowledgeable.
Identify legal issues, apply legal reasoning and reach arguable conclusions in response to a broad range of events that reflect real life scenarios.	1,2 and 3	Creative and critical thinkers. Empowered.
Demonstrate the research skills that are needed to be an effective lawyer.	1,2 and 3	Empowered.
Demonstrate the skills of organisation and time management to complete problems within a set time.	1,2 and 3	Empowered.
Demonstrate the ability to explain legal concepts and lead a discussion of peers.	1	Engaged.

#### 5. Am I eligible to enrol in this course?

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

##### 5.1 Enrolment restrictions

Enrolled in any Laws program

##### 5.2 Pre-requisites

LAW201

##### 5.3 Co-requisites

LAW102 and enrolled in AR391

##### 5.4 Anti-requisites

Nil

##### 5.5 Specific assumed prior knowledge and skills (where applicable)

Not applicable

#### 6. How am I going to be assessed?

##### 6.1 Grading scale

Standard – 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

Task No.	Assessment Product	Individual or Group	Weighting %	What is the duration / length?	When should I submit?	Where should I submit it?
1	Quiz/zes	Individual	10%	10 questions	Friday Week 4 (midday)	Quiz (Online Test)
2	Written Piece	Individual	40%	2000 words	Monday Week 10 (by midday)	Online Assignment Submission with Plagiarism check
3	Examination	Individual	50%	2500 words; 4 hours	Central examination period	Online Assignment Submission with Plagiarism check
			100%			

#### Assessment 1: Negligence quiz

<b>Goal:</b>	The goal of this assessment is to assess your understanding of the key principles and concepts in negligence. The quiz will be based on the content from week 1 to 3 (inclusive).
<b>Product:</b>	Quiz/zes
<b>Format:</b>	This is an individual online assessment. Multiple Choice Questions, 60-minute time limit.
<b>Criteria:</b>	Correct answers to quiz questions.

#### Assessment Task 2: Legal advice/memorandum

<b>Goal:</b>	The goal of this assessment is to assess your understanding of some of the principles of the law of negligence and your ability to provide sound advice to a legal problem.
<b>Product:</b>	Written Piece
<b>Format:</b>	Memorandum of legal advice, with references in AGLC4 format.
<b>Criteria:</b>	You will be assessed on: <ul style="list-style-type: none"> <li>• Application of knowledge</li> <li>• Critical thinking, analysis and reasoning</li> <li>• Structure and writing</li> <li>• Presentation and referencing</li> </ul>

#### Assessment Task 3: Online examination

<b>Goal:</b>	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.
<b>Product:</b>	Written Piece
<b>Format:</b>	This is an individual assessment. You will have four (4) hours to complete the assessment.
<b>Criteria:</b>	Correct identification of the relevant legal issues within a factual scenario; appropriate and accurate application of correct principles of law derived from statute and/or case law to the factual scenarios; appropriate conclusion of appropriate advice for the fictitious 'client' or other identified candidate. Further details will be provided in class and on Blackboard.

## 7. Directed study hours

This course will be delivered via technology-enabled learning and teaching. All lectures will remain in this mode for Semester 2 2020. When government guidelines allow, students that elected on-campus study via the class selection process will be advised when on campus tutorials and practical sessions will resume.

The directed study hours listed here are a portion of the workload for this course. 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. Directed study hours may vary by location. Student workload is calculated at 12.5 learning hours per one unit.

Location:	Directed study hours for location:
Sippy Downs	Online lecture: 2-hour lecture or equivalent content per week. (Weeks 1-6, 8-13) Tutorial: 1 hour per week (Weeks 2-6, 8-13)

*\*Week 7: School Activities and Competition Week*

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

Please note that course information, including specific information of recommended readings, learning activities, resources, weekly readings, etc. are available on the course Blackboard 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 as they are required:

Author	Year	Title	Publisher
Martin Davies and Ian Malkin	2018	<i>Focus Torts</i>	LexisNexis, 8 <sup>th</sup> edition

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

### 8.2 Specific requirements

Nil

## 9. How are risks managed in this course?

Health and safety risks for this course have been assessed as low.

It is your responsibility as a student 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. It is also your responsibility to familiarise yourself with the University's general health and safety principles by reviewing the [online Health Safety and Wellbeing training module 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 Blackboard, are electronically checked through SafeAssign. This software allows for text comparisons to be made between your submitted assessment item and all other work that SafeAssign has access to.

### **10.2 Assessment: Additional requirements**

#### **Eligibility for Supplementary Assessment**

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

- a) The final mark is in the percentage range 47% to 49.4%
- b) The course is graded using the Standard Grading scale
- c) You have not failed an assessment task in the course due to academic misconduct

### **10.3 Assessment: Submission penalties**

Late submission of assessment tasks will 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 and supply the required documentation to negotiate an outcome.

### **10.4 Study help**

In the first instance, you should contact your tutor, then the Course Coordinator. Additional assistance is provided to all students through Academic Skills Advisers. To book an appointment or find a drop-in session go to [Student Hub](#).

Contact Student Central for further assistance: +61 7 5430 2890 or [studentcentral@usc.edu.au](mailto:studentcentral@usc.edu.au)

### 10.5 Wellbeing Services

Student Wellbeing Support Staff are available to assist on a wide range of personal, academic, social and psychological matters to foster positive mental health and wellbeing for your success. Student Wellbeing is comprised of professionally qualified staff in counselling, health and disability Services.

Ability Advisers ensure equal access to all aspects of university life. If your studies are affected by a disability, mental health issue, learning disorder, injury or illness, or you are a primary carer for someone with a disability, [AccessAbility Services](#) can provide assistance, advocacy and reasonable academic adjustments.

To book an appointment with either service go to [Student Hub](#), email [studentwellbeing@usc.edu.au](mailto:studentwellbeing@usc.edu.au) or [accessability@usc.edu.au](mailto:accessability@usc.edu.au) or call 07 5430 1226

### 10.6 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
- Administration of Central Examinations
- Deferred Examinations
- Student Academic Misconduct
- Students with a Disability

Visit the USC website:

<http://www.usc.edu.au/explore/policies-and-procedures#academic-learning-and-teaching>

### 10.7 General Enquiries

In person:

- **USC Sunshine Coast** - Student Central, Ground Floor, Building C, 90 Sippy Downs Drive, Sippy Downs
- **USC Moreton Bay** – Service Centre, Ground Floor, Foundation Building, Gympie Road, Petrie
- **USC SouthBank** - Student Central, Building A4 (SW1), 52 Merivale Street, South Brisbane
- **USC Gympie** - Student Central, 71 Cartwright Road, Gympie
- **USC Fraser Coast** - Student Central, Student Central, Building A, 161 Old Maryborough Rd, Hervey Bay
- **USC 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)