



COURSE OUTLINE

LAW202 Torts B

Course Coordinator: Teddy Henriksen (thenriks@usc.edu.au) **School:** School of Law and Society

2021 | Semester 2

USC Sunshine Coast

ON CAMPUS

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

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 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
ON CAMPUS			
Tutorial/Workshop 1 – On campus tutorial - 1 hour in weeks 2-6 and 8-13.	1hr	Week 2	11 times
Lecture – On campus lecture - 2 hours in weeks 1-6 and 8-13.	2hrs	Week 1	12 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

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. 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%	10 questions	Week 4	Online Test (Quiz)
All	2	Written Piece	Individual	40%	2,000 words	Week 9	Online Assignment Submission with plagiarism check
All	3	Examination - Centrally Scheduled	Individual	50%	4 hour online examination	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:	10 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

All - Assessment Task 2: Legal advice/memorandum

GOAL:	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.		
PRODUCT:	Written Piece		
FORMAT:	Memorandum of legal advice, with references in AGLC4 format.		
CRITERIA:	No.		Learning Outcome assessed
	1	Application of knowledge	1 2 3 4
	2	Critical thinking, analysis and reasoning	1 2
	3	Structure and writing	1 3 4 5
	4	Presentation and referencing	3 4

All - Assessment Task 3: Open book 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:	This is an individual online exam.		

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

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. Directed study hours may vary by location. 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 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. Resources may be required or recommended.

REQUIRED?	AUTHOR	YEAR	TITLE	PUBLISHER
Required	Martin Davies and Ian Malkin	2018	Focus Torts	LexisNexis

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 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:

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. 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.

10.5. 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.

10.6. 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.

10.7. 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>

10.8. 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