



The University of Southern Queensland

Course specification

The current and official versions of the course specifications are available on the web at <http://www.usq.edu.au/coursespecification/current>.
Please consult the web for updates that may occur during the year.

Description: Torts B

| Subject | Cat-nbr | Class | Term | Mode | Units | Campus |
|---------|---------|-------|---------|------|-------|-----------|
| LAW | 2204 | 79475 | 2, 2008 | ONC | 1.00 | Toowoomba |

| | |
|-----------------------------------|--------|
| Academic group: | FOBUS |
| Academic org: | FOB010 |
| Student contribution band: | 3 |
| ASCED code: | 090900 |

STAFFING

Examiner: Craig Burgess
Moderator: Reid Mortensen

REQUISITES

Pre-requisite: LAW2203

OTHER REQUISITES

Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

SYNOPSIS

This course broadens the students knowledge of the extent of the civil obligations imposed by the law of torts. It will build upon the understanding of the principles of the law of torts gained in Torts A. Students will gain an understanding of a variety of intentional torts, the possible defences to them and the principle of vicarious liability. The course will also examine a number of other representative torts including nuisance and defamation. Finally it will look at compensation plans implemented for particular sorts of accidents.

OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item/s that may be used to assess student achievement of an objective is/are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. apply general policies underlying the law of torts in Australia in order to evaluate those laws, in particular for the topics considered in this course (Assignment, Examination)
2. locate and analyse primary law materials and secondary materials (as relevant) while critically reviewing an issue in law relevant to the topics considered in this course (Assignment, Examination)

3. explain the legal principles relevant to the topics considered in this course (Assignment, Examination)
4. apply such legal principles to given fact situations in order to determine the likely outcome to issues raised (Assignment, Examination)
5. demonstrate satisfactory communication skills (Assignment, Examination).

TOPICS

| | Description | Weighting (%) |
|----|--------------------------|---------------|
| 1. | Trespass and other torts | 20.00 |
| 2. | Economic torts | 30.00 |
| 3. | Vicarious liability | 10.00 |
| 4. | Nuisance | 10.00 |
| 5. | Defamation | 15.00 |
| 6. | Compensation schemes | 10.00 |
| 7. | Current developments | 5.00 |

TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

LEGISLATION Civil Liability Act 2003 (Qld)

LAW2204 study package available from the USQ Bookshop.

Sappideen C, Vines P, Grant, H & Watson, P 2006, *Torts commentary and materials*, 9th edn, Lawbook Co, Sydney, New South Wales.

REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

CCH Electronic Libraries [electronic database]: Torts Law Library - accessible via USQ Library Database Services available at <http://www.usq.edu.au/library/eservices/ezp_cch.htm>.

LexisNexis AU [electronic database]: Australian Defamation Law and Practice, Torts Law Journal - accessible via USQ Library Database Services <http://www.usq.edu.au/library/eservices/ezp_lexis_nexis.htm>.

Fleming, JG 1998, *The law of torts*, 9th edn, LBC Information Services, Sydney, New South Wales.

Gardiner, D & McGlone, F 1998, *Outline of torts*, 2nd edn, Butterworths, Sydney, New South Wales.

Luntz, H & Hamblly, D 2002, *Torts: cases and commentary*, 5th edn, LexisNexis Butterworths, Sydney, New South Wales.

STUDENT WORKLOAD REQUIREMENTS

| ACTIVITY | HOURS |
|------------------------|-------|
| Assessments | 40.00 |
| Directed Study | 50.00 |
| Lectures and Tutorials | 39.00 |
| Private Study | 36.00 |

ASSESSMENT DETAILS

| Description | Marks out of | Wtg (%) | Due date |
|--------------------|--------------|---------|------------------------|
| ASSIGNMENT | 40.00 | 40.00 | 15 Sep 2008 |
| 2 HOUR EXAMINATION | 60.00 | 60.00 | END S2 (see note 1) |

NOTES

1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:
To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)
- 3 Penalties for late submission of required work:
If students submit assignments after the due date without prior approval of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.
- 4 Requirements for student to be awarded a passing grade in the course:
To be assured of receiving a passing grade a student must achieve at least 50% of the total weighted marks available for the course.
- 5 Method used to combine assessment results to attain final grade:
The final grades for students will be assigned on the basis of the aggregate of the weighted marks obtained for each of the summative assessment items in the course.

6 Examination information:

This is an open examination. Candidates may have access to any material during the examination except the following: electronic communication devices (for example, mobile phones, pagers), bulky materials, devices requiring mains power and material likely to disturb other students.

7 Examination period when Deferred/Supplementary examinations will be held:

Any Deferred or Supplementary examinations for this course will be held during the next examination period.

8 University Regulations:

Students should read USQ Regulations 5.1 Definitions, 5.6 Assessment, and 5.10 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at

<<http://www.usq.edu.au/corporateservices/calendar/part5.htm>>. Students should also read the Faculty of Business Policies and Procedures which can be found at <<http://www.usq.edu.au/business/aboutfob.htm>>.