



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: Advanced Torts B

| Subject | Cat-nbr | Class | Term | Mode | Units | Campus |
|---------|---------|-------|---------|------|-------|-----------|
| LAW | 5604 | 91230 | 2, 2009 | EXT | 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: LAW5603

OTHER REQUISITES

Students are required to have access to a personal computer, e-mail capabilities and Internet access to UConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.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 negligence 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 nervous shock.

OBJECTIVES

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
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
3. explain the legal principles relevant to the topics considered in this course
4. apply such legal principles to given fact situations in order to determine the likely outcome to issues raised
5. demonstrate satisfactory communication skills
6. ascertain the need for tort law reform.

TOPICS

| | Description | Weighting (%) |
|----|--|---------------|
| 1. | Negligence | 20.00 |
| 2. | Negligence liability | 30.00 |
| 3. | Nervous shock | 10.00 |
| 4. | Economic torts | 10.00 |
| 5. | Professional negligence/products liability | 15.00 |
| 6. | Nuisance | 10.00 |
| 7. | Vicarious liability | 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)

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

STUDENT WORKLOAD REQUIREMENTS

| ACTIVITY | HOURS |
|----------------|-------|
| Assessments | 45.00 |
| Directed Study | 50.00 |
| Private Study | 70.00 |

ASSESSMENT DETAILS

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

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:
If you are an international student in Australia, you are advised to attend all classes at your campus. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility 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 will be an open examination. Candidates may have access to any printed or written material and a calculator during the examination. In line with regulation 5.6.4.2 'Use of Electronic Devices during Examinations', laptop and notebook computers are not permitted.

- 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 Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

ASSESSMENT NOTES

- 1 Referencing in assignments: Students studying this course as part of a Juris Doctor must use the Australian Guide to Legal Citation (AGLC) style. Students who are not enrolled in the Juris Doctor may use either Harvard (AGPS) or the Australian Guide to Legal Citation (AGLC) in their assignments to format details of the information sources they have cited in their work. For AGLC style guide enquiries, consult the AGLC manual from the USQ Library's referencing guide at <http://www.usq.edu.au/library/help/referencing/default.htm>, or contact the Law librarian. The Harvard (AGPS) style to be used is defined by the USQ Library's referencing guide at <http://www.usq.edu.au/library/help/referencing/default.htm>.

OTHER REQUIREMENTS

- 1 Computer, e-mail and Internet access: Students are required to have access to a personal computer, e-mail capabilities and Internet access to UConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/ict/students/standards/default.htm>.
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