



# LAWS11069 Torts

## Term 2 - 2022

Profile information current as at 25/04/2024 10:41 pm

All details in this unit profile for LAWS11069 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

## General Information

### Overview

This unit introduces you to the law of Torts in Australia as one of the main categories in the law of civil obligations. Along with Contract law, this unit will provide you with a solid foundation in many of the civil law issues faced in legal practice. You will gain an understanding of civil wrongs as developed by the common law yet increasingly supplemented by legislation. This unit will commence with an overview of tort law, its development and aims. You will also study the torts of negligence, trespass, nuisance and defamation, including available defences. Forms of concurrent liability are also considered along with remedies in tort and alternative statutory compensation schemes. Finally, the unit will consider the protection available in tort from unfair business practices. Tort law is constantly evolving and often raises unique and complex social and moral questions. The unit will develop your ability to think critically about the relationship of law to social, economic and political conditions. This unit meets the Legal Practitioners Admissions Board requirements for Torts.

### Details

Career Level: *Undergraduate*

Unit Level: *Level 1*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

### Pre-requisites or Co-requisites

Co-requisite: LAWS11057 Introduction to Law.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

### Offerings For Term 2 - 2022

- Online

### Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Written Assessment**

Weighting: 40%

#### 2. **Take Home Exam**

Weighting: 60%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Student unit evaluation

**Feedback**

Many of the legal principles are complex and difficult to grasp

**Recommendation**

The use of real-life, problem-based scenarios in lectures and tutorials will assist in illuminating complex legal principles and enable students to relate complex legal principles to daily life (e.g. road and workplace accidents, duty of care of doctors, employers and lawyers, defamation, nuisance, etc.). In addition, it may help to remind students that devoting sufficient personal time for study and learning of Tort Law is crucial. Finally, students should be made aware of support that they can access through the CQU Academic Learning Centre and Studiosity.

#### Feedback from Student unit evaluation

**Feedback**

Tutorials tend to go beyond one hour

**Recommendation**

Very few students actually raise this as an issue. In fact, every time tutorials extend beyond one hour, it is upon the request of students who have joined the tutorials. In any event, the number of tutorial problems should be reduced so that if tutorials go over the one-hour schedule, they extend by only a few minutes.

#### Feedback from Student unit evaluation and unsolicited emails

**Feedback**

Tutorials are very engaging

**Recommendation**

The real-life, problem-based scenarios used for the tutorials should be continued as they fully engage the students and stimulate discussions. It is also important that tutorials be facilitated in a way that continues to strongly engage and encourage students to participate.

## Unit Learning Outcomes

**On successful completion of this unit, you will be able to:**

1. Explain the essential elements of tort obligations and the development of tort law in response to changing social, economic and political conditions
2. Explain the principles of tort law at common law and as supplemented by the Civil Liability Act 2003 (Qld) and other legislation
3. Apply relevant legal principles and exercise legal reasoning to determine obligations, rights and remedies in tort disputes
4. Demonstrate written and oral communication skills in response to a legal scenario

This unit satisfies the Priestley 11 requirements for Torts as approved by the Legal Practitioners Admissions Board.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
<b>1 - Written Assessment - 40%</b>	•	•	•	•
<b>2 - Take Home Exam - 60%</b>		•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
<b>1 - Communication</b>	•	•	•	•
<b>2 - Problem Solving</b>			•	•
<b>3 - Critical Thinking</b>	•	•	•	
<b>4 - Information Literacy</b>			•	•
<b>5 - Team Work</b>				
<b>6 - Information Technology Competence</b>				•
<b>7 - Cross Cultural Competence</b>				
<b>8 - Ethical practice</b>				
<b>9 - Social Innovation</b>				
<b>10 - Aboriginal and Torres Strait Islander Cultures</b>				

## Textbooks and Resources

### Textbooks

LAWS11069

#### Prescribed

##### Focus Torts

Edition: 9th (2021)

Authors: Martin Davies and Ian Malkin

LexisNexis Butterworths

Chatswood, NSW, Australia

ISBN: 9780409351460

Binding: Paperback

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

**You will need access to the following IT resources:**

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Manjo Oyson** Unit Coordinator

[m.oyson@cqu.edu.au](mailto:m.oyson@cqu.edu.au)

## Schedule

### Week 1 - 11 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Introduction to Torts	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Ch. 1</b>	

### Week 2 - 18 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Negligence: Overview and Duty of Care	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Chs. 2 and 5</b>	

### Week 3 - 25 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Negligence: Standard of Care	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Ch. 3</b>	

### Week 4 - 01 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
Negligence: Causation	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Ch. 4</b>	

Week 5 - 08 Aug 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Special Negligence Cases: Duty to Act and Liability of Public Authorities	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Chs. 6 and 7</b>	<b>Mid-Term Assessment</b> Due: Week 5 Thursday (11 Aug 2022) 7:00 pm AEST
Vacation Week - 15 Aug 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Vacation Week		
Week 6 - 22 Aug 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Negligence: Defence	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Ch. 10</b>	
Week 7 - 29 Aug 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Assessment of Damages for Personal Injuries	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Ch. 12</b>	
Week 8 - 05 Sep 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Trespass to the Person	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Ch. 16</b>	
Week 9 - 12 Sep 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Nuisance	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Ch. 15</b>	
Week 10 - 19 Sep 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Loss Distribution Mechanisms: Vicarious Liability, etc.	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Ch. 14</b>	
Week 11 - 26 Sep 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Defamation and Unfair Business Practices	Martin Davies and Ian Malkin, <i>Focus Torts</i> (9th edition, 2021) <b>Ch. 20 (Defamation)</b> AND Amanda Stickley, <i>Australian Torts Law</i> (4th edition, 2016) <b>Ch. 24</b> (pp. 613-631 only)	
Week 12 - 03 Oct 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Review Week		
Review/Exam Week - 10 Oct 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Review/Exam Week		
Exam Week - 17 Oct 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Exam Week		<b>Take Home Exam</b> Due: Exam Week Friday (21 Oct 2022) 11:45 pm AEST

## Assessment Tasks

# 1 Mid-Term Assessment

## Assessment Type

Written Assessment

## Task Description

This written assessment involves answering three questions based on hypothetical case scenarios. It will cover any of the topics in weeks 1 to 5. The questions will be released on 4 August (Thursday) at 7 pm (AEST) and answers are due on 11 August (Thursday) at 7 pm (AEST). The total word count for all the answers, including footnotes, should not exceed 1500 words. There is no allowance beyond the word-count limit. Any text that exceeds the 1500-word count limit will not be marked.

No special mid-term assessment can be arranged under any circumstance.

## Assessment Due Date

Week 5 Thursday (11 Aug 2022) 7:00 pm AEST

The answers must be saved in MS Word (not as a PDF) in the following format: LastName\_FirstName.docx.

## Return Date to Students

Week 8 Thursday (8 Sept 2022)

## Weighting

40%

## Assessment Criteria

This assessment will be assessed according to the following criteria: correct and thorough identification of the legal issue(s) (10%) and rules/legal principles (30%); correct and thorough analysis and application of the rules and legal principles to the legal issue(s) and the facts (40%); well thought-out conclusion (10%); and quality of the language usage and observance of proper structure, format, and instructions (10%).

A detailed marking rubric is available on the Moodle site.

## Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

## Submission

Online

## Learning Outcomes Assessed

- Explain the essential elements of tort obligations and the development of tort law in response to changing social, economic and political conditions
- Explain the principles of tort law at common law and as supplemented by the Civil Liability Act 2003 (Qld) and other legislation
- Apply relevant legal principles and exercise legal reasoning to determine obligations, rights and remedies in tort disputes
- Demonstrate written and oral communication skills in response to a legal scenario

# 2 Take Home Exam

## Assessment Type

Take Home Exam

## Task Description

The word-count limit for this take-home exam, including footnotes, is 2000 words. There is no allowance beyond the word-count limit. Any text that exceeds the 2000-word count limit will not be marked.

This take home exam is 4 hours in duration only. Answers must be submitted to the Moodle page in the usual manner by the deadline (to be announced later in the term). Submissions after the deadline has passed will not be accepted.

Failure to submit by the deadline will result in a mark of zero for this assessment as the paper will not be marked. Extensions are not available for this take home exam.

## Assessment Due Date

Exam Week Friday (21 Oct 2022) 11:45 pm AEST

The actual due date will be announced later in the term.

## Return Date to Students

Exam Week Friday (21 Oct 2022)

After Certification of Grades

## Weighting

60%

**Assessment Criteria**

This assessment will be assessed according to the following criteria: correct and thorough identification of the legal issue(s) (10%) and rules/legal principles (30%); correct and thorough analysis and application of the rules and legal principles to the legal issue(s) and the facts (40%); well thought-out conclusion (10%); and quality of the language usage and observance of proper structure, format, and instructions (10%).

A detailed marking rubric is available on the Moodle site.

**Referencing Style**

- [Australian Guide to Legal Citation, 4th ed](#)

**Submission**

No submission method provided.

**Learning Outcomes Assessed**

- Explain the principles of tort law at common law and as supplemented by the Civil Liability Act 2003 (Qld) and other legislation
- Apply relevant legal principles and exercise legal reasoning to determine obligations, rights and remedies in tort disputes
- Demonstrate written and oral communication skills in response to a legal scenario

## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

### What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

### Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

### Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

### What can you do to act with integrity?



#### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



#### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



#### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem