



UNSW Course Outline

JURD7161 Torts - 2024

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General Course Information

Course Code : JURD7161

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

This course continues students' introduction to the law of torts which began with Introducing Law and Justice where trespass to the person is covered. Other torts, notably trespass to goods and to land, and conversion, are covered in Principles of Private Law. Torts considers the part of the law of torts concerning liability to pay compensation for wrongfully caused injury, damage or

loss, with an emphasis on liability caused by negligence, breach of statutory duty and nuisance. Both liability and remedies at common law and under the Civil Liability Act 2002 (NSW) are examined. Students are introduced to the complexities of interpreting statutory regimes, and their inter-relationship with common law precedent. The course critically examines the wider social implications of various approaches to compensating those who suffer personal injury, using some theoretical perspectives including law and economics, feminist theory and critical legal theory to do so

Main Topics

- The role and function of tort law
- Nuisance
- Negligence – the duty of care in general
- Negligence – duty – personal injury
- Negligence – duty – defective property
- Negligence – duty - pure economic loss
- Negligence – duty – special defendants including public authorities, medical, landlords, parents and children etc.
- Breach of duty
- Causation and remoteness including eggshell skull rule and probabilistic causation
- Concurrent liability – vicarious liability
- Concurrent Liability - non-delegable duty
- Defences to negligence
- Assessment of Damages
- Assessing the law of negligence – does it operate as it should?
- Breach of Statutory Duty

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate awareness of the place of tort law within law generally, and in a broader context (PLOs 1, 3, 4, 5, 6, 7 & 8)
CLO2 : Navigate and apply the various sources of tort law within the common law and statute (PLOs 4, 5, 6 & 9)
CLO3 : Apply knowledge and understanding of the principles of tort law to hypothetical fact scenarios (PLOs 3, 4, 5, 6, 7, 8 & 9)
CLO4 : Engage in critical analysis of tort law (PLOs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12)
CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12)
CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10, 11 & 12)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate awareness of the place of tort law within law generally, and in a broader context (PLOs 1, 3, 4, 5, 6, 7 & 8)	<ul style="list-style-type: none"> Assignment Final Invigilated Examination
CLO2 : Navigate and apply the various sources of tort law within the common law and statute (PLOs 4, 5, 6 & 9)	<ul style="list-style-type: none"> Assignment Final Invigilated Examination
CLO3 : Apply knowledge and understanding of the principles of tort law to hypothetical fact scenarios (PLOs 3, 4, 5, 6, 7, 8 & 9)	<ul style="list-style-type: none"> Assignment Final Invigilated Examination
CLO4 : Engage in critical analysis of tort law (PLOs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12)	<ul style="list-style-type: none"> Assignment Final Invigilated Examination
CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12)	<ul style="list-style-type: none"> Assignment Final Invigilated Examination
CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10, 11 & 12)	<ul style="list-style-type: none"> Class Participation

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Assignment Assessment Format: Individual	40%	Start Date: 01/03/2024 04:00 PM Due Date: 15/03/2024 06:00 PM
Final Invigilated Examination Assessment Format: Individual	40%	Start Date: Not Applicable Due Date: Not Applicable
Class Participation Assessment Format: Individual	20%	

Assessment Details

Assignment

Assessment Overview

This assessment requires you to prepare a written response to an assignment.

Course Learning Outcomes

- CLO1 : Demonstrate awareness of the place of tort law within law generally, and in a broader context (PLOs 1, 3, 4, 5, 6, 7 & 8)
- CLO2 : Navigate and apply the various sources of tort law within the common law and statute (PLOs 4, 5, 6 & 9)
- CLO3 : Apply knowledge and understanding of the principles of tort law to hypothetical fact scenarios (PLOs 3, 4, 5, 6, 7, 8 & 9)
- CLO4 : Engage in critical analysis of tort law (PLOs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12)
- CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12)

Detailed Assessment Description

The mid-term assessment has two parts:

- a problem-solving exercise based on a fact scenario; and
- a critical essay in response to a given question that requires you to comment on the same fact scenario and the legal issues raised in it in light of one or more theoretical articles you have studied in this course.

The mid-term assessment is not a research exercise. You will be able to complete it using course materials.

Final Invigilated Examination

Assessment Overview

This assessment requires you to complete an invigilated written examination within the University examination period.

Course Learning Outcomes

- CLO1 : Demonstrate awareness of the place of tort law within law generally, and in a broader context (PLOs 1, 3, 4, 5, 6, 7 & 8)
- CLO2 : Navigate and apply the various sources of tort law within the common law and statute (PLOs 4, 5, 6 & 9)
- CLO3 : Apply knowledge and understanding of the principles of tort law to hypothetical fact scenarios (PLOs 3, 4, 5, 6, 7, 8 & 9)
- CLO4 : Engage in critical analysis of tort law (PLOs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12)
- CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12)

Detailed Assessment Description

The final exam will be a 2-hour take-home paper, other arrangements TBC. The final exam date will be confirmed in Week 8.

The final exam will replicate the model of the mid-term assessment but it will be based on material covered later in the term that was not tested in the mid-term assessment.

Assignment submission Turnitin type

Not Applicable

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities

Course Learning Outcomes

- CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10, 11 & 12)

Detailed Assessment Description

Participation in face-to-face classes (and in online online classes) is assessed based on your demonstrated level of engagement in class and with course materials. This entails, for example:

- constructively interacting with your peers and your lecturer (as appropriate to online or face-to-face classes);
- showing that you have read for class and done your best to understand the material or formulate questions about it;
- completing class activities to the best of your ability.

You are not expected to have full mastery of the set reading before you come to class and you are very welcome to make mistakes in class. In contrast to class participation, we do assess your mastery of course materials in the mid-term assessment and the final exam.

Your teachers will give you any further information regarding class participation expectations.

General Assessment Information

Grading Basis

Standard

Course Schedule

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information

field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

General Schedule Information

Please see the Course Schedule and Reading Guide in Moodle for a detailed breakdown of classes.

Course Resources

Prescribed Resources

Carolyn Sappideen, Prue Vines and John Eldridge, *Torts Commentary and Materials* (Thomson Reuters, 13th ed, 2021)

Recommended Resources

Julia Davis, Marco Rizzi and Kate Offer, *Connecting with Tort Law* (Oxford University Press, 2nd ed, 2020).

David Rolph et al (eds), *Balkin and Davis: Law of Torts* (LexisNexis, 6th ed, 2021).

Carolyn Sappideen et al (eds), *Fleming's The Law of Torts* (Thomson Reuters, 11th ed, 2024)

Anita Stewart and Pam Stuhmcke, *Australian Principles of Tort Law* (Federation Press, 5th ed, 2022)

Additional Costs

Nil

Course Evaluation and Development

Feedback is gathered primarily via the My Experience survey, conducted at the end of term. Students are always welcome to raise feedback with their lecturer or the Convenor.

Consistently over many teaching terms, more than 90% of Torts students agree or strongly agree that they are satisfied with the quality of the course. Specifically, students note that resources and feedback have assisted their learning and that the assessments are relevant to their

learning. These results place Torts above average for student satisfaction across the Faculty of Law & Justice's courses; noting too that the Faculty of Law and Justice's courses are consistently placed above average for student satisfaction across UNSW's courses. Nonetheless, we strive to improve students' learning experience and have used recent student feedback to make some improvements to the Torts course.

Previous students told us:

- * Providing more guidance and resources to develop detailed flowcharts or summaries of how to apply the law for each key topic would help with assessment preparation.
- * Practising how to write and structure Torts problem responses and essays would give greater confidence when undertaking assessment tasks.
- * That it is most effective to spend a significant part of class time on problem-solving practice opportunities.
- * Maximising opportunities to work with theoretical articles (using reading guides, discussing in class or via forum posts) assists with relating theoretical perspectives on Tort law to substantive content and with assessment preparation.

We have responded to this feedback by:

- * Streamlining input for flowcharts and summaries of how to apply the law for each key topic.
- * Including an opportunity to produce, and then discuss in class, partial responses to Torts problems and essays.
- * Ensuring that problem-solving practice and feedback feature prominently in each substantive class.
- * Ensuring that there are adequate resources provided and opportunities made to work with theoretical articles.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Jeni Engel					Yes	Yes
	Christine Foster					Yes	No
Lecturer	Jonathan Temporal					No	No

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations.

at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or

if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.