



## UNSW Course Outline

# JURD7380 Insurance Law - 2024

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## General Course Information

Course Code : JURD7380

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 provides an advanced analysis of law and policy covering general insurance. The insurance industry has undergone unprecedented levels of economic and legal reform, as well as rapid convergence with, and sometimes divergence from, other financial services. This course studies the mix of case law and statutory regulation (including codes) that makes up

contemporary insurance law. Note that the course does not cover life insurance or health insurance.

## **Main Topics**

- Key insurance concepts
- Insurance risk management
- Insurance contract - contract formation and conditions
- Non-disclosure and misrepresentation
- Insurance contract - exclusions
- Remedies under s54 Insurance Contracts Act
- Directors and officers liability insurance
- Commercial property and industrial special risks insurance
- Reinsurance
- Regulation structure
- Prudential regulation
- Financial services licensing

## **Course Aims**

This course aims to:

- develop an understanding of the role of insurance
- develop an understanding of the law as it relates to the formation and content of insurance contracts
- be familiar with the issues that arise in disputes under insurance contracts
- develop an understanding of the regulation of general insurance and in particular the differing roles of APRA and ASIC

# Course Learning Outcomes

| Course Learning Outcomes   |
|--|
| CLO1 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating course concepts in a scholarly, reflective and respectful manner. (PLOs 6, 9, 10)  |
| CLO2 : Engage in self-led investigation and critical analysis of insurance law, utilising professional and legal texts to evaluate current debates through an extended research essay. (PLOs 1, 4, 5, 6, 7, 8, 9, 12)  |
| CLO3 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner. (PLOs 1, 6, 9, 10).   |
| CLO4 : Develop an advanced awareness of the principles of insurance and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in an insurance law setting by way of an extended research essay. (PLOs 1, 4, 5, 6, 7, 8, 9, 12) |
| CLO5 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios. (PLOs 1, 4, 5, 6, 7, 8, 12)  |

| Course Learning Outcomes   | Assessment Item                    |
|--|------------------------------------|
| CLO1 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating course concepts in a scholarly, reflective and respectful manner. (PLOs 6, 9, 10)  | • Class Participation              |
| CLO2 : Engage in self-led investigation and critical analysis of insurance law, utilising professional and legal texts to evaluate current debates through an extended research essay. (PLOs 1, 4, 5, 6, 7, 8, 9, 12)  | • Research Essay (5000 words)      |
| CLO3 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner. (PLOs 1, 6, 9, 10).   | • Class Participation              |
| CLO4 : Develop an advanced awareness of the principles of insurance and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in an insurance law setting by way of an extended research essay. (PLOs 1, 4, 5, 6, 7, 8, 9, 12) | • Research Essay (5000 words)      |
| CLO5 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios. (PLOs 1, 4, 5, 6, 7, 8, 12)  | • Research Essay Plan (1000 words) |

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

| Assessment Item   | Weight | Relevant Dates   |
|---|--------|--|
| Research Essay (5000 words)<br>Assessment Format: Individual      | 70%    | Due Date: 15/04/2024 11:59 PM                          |
| Research Essay Plan (1000 words)<br>Assessment Format: Individual | 15%    | Due Date: 13/03/2024 11:00 PM                          |
| Class Participation<br>Assessment Format: Individual              | 15%    | Start Date: Not Applicable<br>Due Date: Not Applicable |

## Assessment Details

### Research Essay (5000 words)

#### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CLO2 : Engage in self-led investigation and critical analysis of insurance law, utilising professional and legal texts to evaluate current debates through an extended research essay. (PLOs 1, 4, 5, 6, 7, 8, 9, 12)
- CLO4 : Develop an advanced awareness of the principles of insurance and demonstrate an ability to critically analyse, using research principles and methodologies, a capacity to apply them in an insurance law setting by way of an extended research essay. (PLOs 1, 4, 5, 6, 7, 8, 9, 12)

#### Detailed Assessment Description

You are required to write a research essay on a topic that you choose from a list of topics that will be available on Moodle. Each topic requires an in-depth consideration of a particular aspect of the law relating to general insurance, such as the duty of utmost good faith. The essay is due at the end of the course.

You are first required to provide a shorter essay plan (see Assessment 2), the purpose of which is to encourage early preparation of your research, and to allow us to provide feedback that may assist you to refine the scope of your essay.

#### Assessment Length

Maximum 5,000 words

#### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

# Research Essay Plan (1000 words)

## Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

## Course Learning Outcomes

- CLO5 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios. (PLOs 1, 4, 5, 6, 7, 8, 12)

## Detailed Assessment Description

You must prepare an essay plan of 1,000 words. The purpose of the essay plan is to encourage early preparation of your research, and to allow us to provide feedback that may assist you to refine the scope of your essay. The essay plan is worth 15% of the final assessment.

## Required content of the essay plan

1. The topic: Set out the topic (from the list of set topics) that you propose to write on. Explain the context of your topic. What circumstances, theories, or writings have prompted you to investigate this topic?
2. Proposed structure: Set out the steps you propose to follow in your investigation. It is not necessary at this stage to formulate a complete thesis. You may not have formed conclusions at this stage in your project. You may wish to state an hypothesis that you plan to test, without committing yourself to a concluded view.
3. Literature survey/Preliminary reading: Set out the sources you have already consulted and the contribution those sources make to understanding of your topic. Identify any further sources you intend to consult in completing your project.

## Assessment Length

Maximum 1,000 words

## Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

## Class Participation

## Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CLO1 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating course concepts in a scholarly, reflective and respectful manner. (PLOs 6, 9, 10)
- CLO3 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner. (PLOs 1, 6, 9, 10).

### Detailed Assessment Description

The classes will be a mixture of lecture style where you are encouraged to ask questions and collaborative class tasks where you will have an opportunity to discuss and debate the core concepts being considered that week. There are set readings for each week which you are expected to have read before that week's class.

One part of class participation is collaboration. You are required to form small groups to prepare a short presentation to the class, with each group to present in one week only. The presentation will be on a topic from a set list relevant to that week's lecture and should take 10 -15 minutes (no longer). Each group should support their presentation with slides or other written material. The presentation will be marked but that mark will form only part of the overall mark for class participation.

### Assignment submission Turnitin type

Not Applicable

## **General Assessment Information**

### Grading Basis

Standard

# Course Schedule

| Teaching Week/Module               | Activity Type | Content   |
|------------------------------------|---------------|---|
| Week 1 : 12 February - 18 February | Lecture       | Key Insurance Concepts<br>Overview of Insurance Contracts Act<br>Overview of Insurance Regulation (APRA and ASIC)   |
| Week 2 : 19 February - 25 February | Lecture       | Insurance Contract Formation and Conditions<br>Unfair contract terms<br>Interpretation of insurance contracts<br>Duty of Utmost Good Faith  |
| Week 3 : 26 February - 3 March     | Lecture       | Non-disclosure and Misrepresentation<br>Exclusions for prior known circumstances<br>Reinsurance   |
| Week 4 : 4 March - 10 March        | Lecture       | Regulation Structure<br>- Prudential Regulation<br>- Financial Services Licensing<br>Regulatory changes post Hayne Royal Commission   |
| Week 5 : 11 March - 17 March       | Lecture       | Remedial provisions of the Insurance Contracts Act:<br>- Notification of circumstances - section 40(3)<br>- Remedies under Section 54 Insurance Contracts Act<br>Double insurance |
| Week 7 : 25 March - 31 March       | Lecture       | Financial lines insurance:<br>• Professional Indemnity insurance<br>• Directors & Officers liability insurance  |
| Week 8 : 1 April - 7 April         | Lecture       | Other types of insurance:<br>• Public liability insurance<br>• Property insurance and Industrial Special Risks (ISR) insurance  |
| Week 9 : 8 April - 14 April        | Lecture       | Life Insurance (life & disability insurance, TPD) - the differences to general insurance<br>Emerging Trends in general insurance law  |

## 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.

Please note that lecture recordings will not be available for this course.

## Course Resources

### Prescribed Resources

Course readings for each week are from CCH *Australian and New Zealand Insurance Commentary* (available online through the UNSW Library – the CCH book is described in the Library as "Insurance and Risk Management") with an alternative from Kelly & Ball, *Principles of Insurance*

Law (also available online through the UNSW library).

**Optional pre-course reading:** Pages 1 -34 of the Background paper 14: General Insurance – prepared for the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (available at [08 Aug 2019 - Publications - Trove \(nla.gov.au\)](#) and on Moodle)

## Staff Details

| Position | Name           | Email | Location | Phone | Availability | Equitable Learning Services Contact | Primary Contact |
|----------|----------------|-------|----------|-------|--------------|-------------------------------------|-----------------|
|          | Kathryn Rigney |       |          |       |              | No                                  | Yes             |
|          | Jonathan Tapp  |       |          |       |              | 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.