Unit Outline
BLAW2005 BLW202 Tort Liability for Business
OpenUnis SP 1, 2016

Unit study package code: BLAW2005
Mode of study: Area External
Credit Value: 25.0
Pre-requisite units: 300673 (v.0) BLW14 Business Law or any previous version
OR
BLAW1001 (v.0) BLW14 Business Law or any previous version
Co-requisite units: Nil
Anti-requisite units: Nil
Result type: Grade/Mark
Approved incidental fees: Information about approved incidental fees can be obtained from our website. Visit fees.curtin.edu.au/incidental_fees.cfm for details.

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Learning Management System: Blackboard (lms.curtin.edu.au)
Acknowledgement of Country
We respectfully acknowledge the Indigenous Elders, custodians, their descendants and kin of this land past and present.

Syllabus

Introduction
Many of those who have studied Tort Liability for Business find they really enjoy it, not least because they are able to apply their knowledge of the principles to everyday situations that affect them directly or indirectly (for example, situations that are portrayed in current affairs or which arise in a variety of business contexts). At the same time it is a challenging subject – the legal principles can sometimes be complex as there are often no hard and fast rules that apply in every situation. Those who get the most out of this subject expect it to be challenging but enjoy the challenge; they do not rely only on the materials provided in lectures and tutorials but conduct independent study by reading textbooks, case reports and legal commentary on the subject. Finally, those who get the most out of the unit take initiative and make sure they discuss any problems or questions with teaching staff as soon as possible. I can always be contacted by email, or am happy to meet you during my scheduled consultation time.

If you have specific needs, whether short or long term, which you think we should accommodate or be aware of, then you should please make these known to us as soon as possible. Alternatively, you may find it helpful to contact one of the university services such as: University Counselling Services; University Disability Services: the multi-faith officer or the Learning Centre (Student Learning Support). Links to these services and others can be found by going to the Curtin University home page and selecting an option from the A-Z index.

Unit Learning Outcomes
All graduates of Curtin University achieve a set of nine graduate attributes during their course of study. These tell an employer that, through your studies, you have acquired discipline knowledge and a range of other skills and attributes which employers say would be useful in a professional setting. Each unit in your course addresses the graduate attributes through a clearly identified set of learning outcomes. They form a vital part in the process referred to as assurance of learning. The learning outcomes tell you what you are expected to know, understand or be able to do in order to be successful in this unit. Each assessment for this unit is carefully designed to test your achievement of one or more of the unit learning outcomes. On successfully completing all of the assessments you will have achieved all of these learning outcomes.

Your course has been designed so that on graduating we can say you will have achieved all of Curtin’s Graduate Attributes through the assurance of learning process in each unit.

<table>
<thead>
<tr>
<th>On successful completion of this unit students can:</th>
<th>Graduate Attributes addressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Explain the requirements (elements) of a range of different torts that impact on professionals in business</td>
<td><img src="image1" alt="Graduate Attributes" /></td>
</tr>
<tr>
<td>2 Apply relevant legal concepts and principles to analyse and solve a case study</td>
<td><img src="image2" alt="Graduate Attributes" /></td>
</tr>
<tr>
<td>3 Communicate legal concepts effectively in written and oral activities using clear, concise and appropriate language</td>
<td><img src="image3" alt="Graduate Attributes" /></td>
</tr>
</tbody>
</table>
Curtin’s Graduate Attributes

<table>
<thead>
<tr>
<th>APPLY DISCIPLINE KNOWLEDGE</th>
<th>THINKING SKILLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(use analytical skills to solve problems)</td>
<td>(confidence to investigate new ideas)</td>
</tr>
<tr>
<td>COMMUNICATION SKILLS</td>
<td>TECHNOLOGY SKILLS</td>
</tr>
<tr>
<td></td>
<td>(confidence to tackle unfamiliar problems)</td>
</tr>
<tr>
<td>INTERNATIONAL PERSPECTIVE</td>
<td>CULTURAL UNDERSTANDING</td>
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<tr>
<td>(value the perspectives of others)</td>
<td>(value the perspectives of others)</td>
</tr>
<tr>
<td>LEARNING HOW TO LEARN</td>
<td>PROFESSIONAL SKILLS</td>
</tr>
<tr>
<td>(apply principles learnt to new situations)</td>
<td>(work independently and as a team)</td>
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<tr>
<td></td>
<td>(plan own work)</td>
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</tbody>
</table>

Find out more about Curtin’s Graduate attributes at the Office of Teaching & Learning website: ctl.curtin.edu.au

Learning Activities

Lectures in this unit may consist of an iLecture (recorded during delivery of a face to face lecturer to students enrolled internally) and desk-top lectures (recorded by the UC at her desk).

You will need to work on the weekly tutorial questions in accordance with the attached timetable, and ensure that you address any queries or concerns arising from those with your tutor as soon as possible. It is a good idea to prepare written answers to the tutorial questions as you go through the unit, and in any event prior to the tutorial to which the question relates.

Your tutor will provide feedback on the tutorial questions either in writing and/or by way of a short iLecture. However, feedback will only be released once all students due to submit their answer to tutorial questions as part of the assessment have submitted it. This means that if extension requests are granted, the feedback could be delayed. Your tutor is also happy to provide individual feedback on draft answers to any of these questions (other than ones allocated as part of an assignment - in which case feedback can be provided only after your answer has been assessed).

At the beginning of semester all students will be put into smaller groups. Each group will have its own Discussion Board facility. You can use this to communicate with others in your group, and will also have access to group email. Please note that this Discussion Board will NOT be monitored by the tutor or UC so if you have specific questions about course content or issues that you wish to address with us, please email us directly.
Learning Resources

Recommended texts

You do not have to purchase the following textbooks but you may like to refer to them.

  This book is highly recommended to accompany a main text-book. It provides a very useful overview and summary of some of the topics studied in this course. The book should not be relied upon as a primary text, however.

  This book is highly recommended as an alternative textbook for the unit. However, please note that readings in the unit relate only to Stickley. If you decide to use this book it should not be too difficult to work out which sections you need to read as we go through the topics.

- **Amanda Stickley, Australian Torts Law, LexisNexis Butterworths, 3rd ed.**
  This is the preferred textbook for the unit. Readings in the lecture slides will refer to this book.
  (ISBN/ISSN: 9780409330151)

Other resources

There is a large range of available textbooks relating to Torts and the following are among them. Whichever book you use (whether from the list below or elsewhere, do try to ensure it is the latest edition):

- M. Bagaric, R. Carter and P. Faris, Torts: Compensation for Harm, Palgrave MacMillan (also available as an ebook)
- A Clarke, J Devereux and J Werren, Torts: A Practical Learning Approach, LexisNexis Butterworths, 2nd ed

The Blackboard site for this unit includes a number of supplementary materials, as well as self-study tasks which are designed to revise and extend your knowledge of each topic.
Assessment

Assessment schedule

<table>
<thead>
<tr>
<th>Task</th>
<th>Value %</th>
<th>Date Due</th>
<th>Unit Learning Outcome(s) Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Written Assignment</td>
<td>20 percent</td>
<td>Week: Four</td>
<td>1,3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Day: Friday 25 March 2015</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Time: 17:00</td>
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<tr>
<td>Oral Presentation and Problem Based Assignment</td>
<td>30 percent</td>
<td>Week: Various</td>
<td>1,2,3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Day: Various</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Time: Various</td>
<td></td>
</tr>
<tr>
<td>Final Examination</td>
<td>50 percent</td>
<td>Week: Exam Week 1 or 2</td>
<td>1,2,3</td>
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<tr>
<td></td>
<td></td>
<td>Day: TBA</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Time: TBA</td>
<td></td>
</tr>
</tbody>
</table>

Detailed information on assessment tasks

1. **Written assignment**: The written assessment task is to be downloaded from Blackboard (under Assessments/Written Assignment (Assignment 1)) and you can work on it in your own time, but it must be submitted through the Turnitin Written Assignment(Assignment 1) link in Blackboard no later than the due date and time.

   The assignment will be marked online and the rubric showing a breakdown of the marks and feedback on your assignment will be available through MyGrades.

2. **Oral presentation and problem based question**: In the first or second week of the unit you will be allocated a particular tutorial topic and you will be expected to prepare the tutorial question relating to that topic. All of the tutorial questions are available on Blackboard under the relevant topic folders in the Learning Modules file. You will be required to prepare your answer to this problem question. The assignment has two components: an oral presentation and a written answer.

   **Oral presentation**: the format of the presentation is up to you and, given the online environment, creativity is encouraged. However, please remember that the aim of the presentation is to transfer knowledge and demonstrate your presentation skills, as this is what you will be assessed on. Your presentation must also be in a format that can be accessed by those marking it without having to install special applications/software or download programs. An oral presentation information sheet is available on Blackboard in the Assignment/Oral presentation and problem based question folder. Your presentation will be assessed by peers in your group. Again, more information on this is provided in the Blackboard folder relating to this assessment.

   **Written presentation**: In addition to the oral presentation, you will need to hand in a written answer to the tutorial question you are presenting on. The written answer will be marked by one of the tutors and not assessed by or available to your peers. You must submit your written answer through Turnitin by following the link in the relevant assessment folder on Blackboard. As a guideline, the word count for this written summary should be 2,000-2,500 words.

3. **Final exam**: More details on the format of the final exam will be provided in the Revision lecture. This is a centrally scheduled exam and the UC has no control over the date and time allocated. Students should please check the OUA exam timetable when released, to check the exam details.

Pass requirements

To pass this unit you must obtain 50% or more. It is not necessary to pass the final examination in order to pass this unit.
Fair assessment through moderation

Moderation describes a quality assurance process to ensure that assessments are appropriate to the learning outcomes, and that student work is evaluated consistently by assessors. Minimum standards for the moderation of assessment are described in the Assessment and Student Progression Manual, available from policies.curtin.edu.au/policies/teachingandlearning.cfm

Late assessment policy

This ensures that the requirements for submission of assignments and other work to be assessed are fair, transparent, equitable, and that penalties are consistently applied.

1. All assessments students are required to submit will have a due date and time specified on this Unit Outline.
2. Students will be penalised by a deduction of ten percent per calendar day for a late assessment submission (eg a mark equivalent to 10% of the total allocated for the assessment will be deducted from the marked value for every day that the assessment is late). This means that an assessment worth 20 marks will have two marks deducted per calendar day late. Hence if it was handed in three calendar days late and given a mark of 16/20, the student would receive 10/20. An assessment more than seven calendar days overdue will not be marked and will receive a mark of 0.

Assessment extension

A student unable to complete an assessment task by/on the original published date/time (eg examinations, tests) or due date/time (eg assignments) must apply for an assessment extension using the Assessment Extension form (available from the Forms page at students.curtin.edu.au/administration/) as prescribed by the Academic Registrar. It is the responsibility of the student to demonstrate and provide evidence for exceptional circumstances beyond the student’s control that prevent them from completing/submitting the assessment task.

The student will be expected to lodge the form and supporting documentation with the unit coordinator before the assessment date/time or due date/time. An application may be accepted up to five working days after the date or due date of the assessment task where the student is able to provide an acceptable explanation as to why he or she was not able to submit the application prior to the assessment date. An application for an assessment extension will not be accepted after the date of the Board of Examiners’ meeting.

Deferred assessments

If your results show that you have been granted a deferred assessment you should immediately check your OASIS email for details.

Deferred examinations/tests will be held from 18/07/2016 to 29/07/2016. Notification to students will be made after the Board of Examiners’ meeting via the Official Communications Channel (OCC) in OASIS.

Supplementary assessments

Supplementary assessments, if granted by the Board of Examiners, will have a due date or be held between 18/07/2016 and 29/07/2016. Notification to students will be made after the Board of Examiners’ meeting via the Official Communications Channel (OCC) in OASIS.

It is the responsibility of students to be available to complete the requirements of a supplementary assessment. If your results show that you have been granted a supplementary assessment you should immediately check your OASIS email for details.

Referencing style

The referencing style for this unit is Chicago.

More information can be found on this style from the Library web site: http://libguides.library.curtin.edu.au/referencing.

Copyright
© Curtin University. The course material for this unit is provided to you for your own research and study only. It is subject to copyright. It is a copyright infringement to make this material available on third party websites.

**Academic Integrity (including plagiarism and cheating)**

Any conduct by a student that is dishonest or unfair in connection with any academic work is considered to be academic misconduct. Plagiarism and cheating are serious offences that will be investigated and may result in penalties such as reduced or zero grades, annulled units or even termination from the course.

Plagiarism occurs when work or property of another person is presented as one's own, without appropriate acknowledgement or referencing. Submitting work which has been produced by someone else (e.g. allowing or contracting another person to do the work for which you claim authorship) is also plagiarism. Submitted work is subjected to a plagiarism detection process, which may include the use of text matching systems or interviews with students to determine authorship.

Cheating includes (but is not limited to) asking or paying someone to complete an assessment task for you or any use of unauthorised materials or assistance during an examination or test.

From Semester 1, 2016, all incoming coursework students are required to complete Curtin’s Academic Integrity Program (AIP). If a student does not pass the program by the end of their first study period of enrolment at Curtin, their marks will be withheld until they pass. More information about the AIP can be found at: [https://academicintegrity.curtin.edu.au/students/AIP.cfm](https://academicintegrity.curtin.edu.au/students/AIP.cfm)

Refer to the Academic Integrity tab in Blackboard or [academicintegrity.curtin.edu.au](https://academicintegrity.curtin.edu.au) for more information, including student guidelines for avoiding plagiarism.

**Information and Communications Technology (ICT) Expectations**

Curtin students are expected to have reliable internet access in order to connect to OASIS email and learning systems such as Blackboard and Library Services.

You may also require a computer or mobile device for preparing and submitting your work.

As an online student you will need to ensure that you have access to a computer and software that allows you to access Blackboard and download the unit materials, including lecture slides, tutorial questions, assignments and iLectures. You will need access to email and internet and will also need to be able to access the Collaborate Learning Environment (through Blackboard). You will also need to have access to software and facilities that will enable you to record and make available an oral presentation. At a minimum this will require a use of headset and microphone, and if you decide you wish to video your presentation, you will need a video camera.

Assignment One requires students to take a digital photograph (such as by using a mobile phone camera) and to copy that image into a word document, so please ensure sufficiently in advance that you are able to do this with your own equipment, or can access technology that will allow you to do this.

For general ICT assistance, in the first instance please contact OASIS Student Support: [oasisapps.curtin.edu.au/help/general/support.cfm](https://oasisapps.curtin.edu.au/help/general/support.cfm)

For specific assistance with any of the items listed below, please contact The Learning Centre: [life.curtin.edu.au/learning-support/learning_centre.htm](https://life.curtin.edu.au/learning-support/learning_centre.htm)

- Using Blackboard, the I Drive and Back-Up files
- Introduction to PowerPoint, Word and Excel
Additional information

The School of Law takes the mental health of its students very seriously. Law School staff are here to assist and help and have an open door policy, so please do not hesitate to speak to us if you are having any difficulties. Students may wish to look at the section of the School of Law’s web page on student wellbeing which contains important contact details

and links to resources for law students at:


Enrolment

It is your responsibility to ensure that your enrolment is correct - you can check your enrolment through the eStudent option on OASIS, where you can also print an Enrolment Advice.

Student Rights and Responsibilities

It is the responsibility of every student to be aware of all relevant legislation, policies and procedures relating to their rights and responsibilities as a student. These include:

- the Student Charter
- the University’s Guiding Ethical Principles
- the University’s policy and statements on plagiarism and academic integrity
- copyright principles and responsibilities
- the University’s policies on appropriate use of software and computer facilities

Information on all these things is available through the University’s "Student Rights and Responsibilities" website at:
students.curtin.edu.au/rights.

Student Equity

There are a number of factors that might disadvantage some students from participating in their studies or assessments to the best of their ability, under standard conditions. These factors may include a disability or medical condition (e.g. mental illness, chronic illness, physical or sensory disability, learning disability), significant family responsibilities, pregnancy, religious practices, living in a remote location or another reason. If you believe you may be unfairly disadvantaged on these or other grounds please contact Student Equity at eesj@curtin.edu.au or go to http://eesj.curtin.edu.au/student_equity/index.cfm for more information

You can also contact Counselling and Disability services: http://www.disability.curtin.edu.au or the Multi-faith services: http://life.curtin.edu.au/health-and-wellbeing/about_multifaith_services.htm for further information.

It is important to note that the staff of the university may not be able to meet your needs if they are not informed of your individual circumstances so please get in touch with the appropriate service if you require assistance. For general wellbeing concerns or advice please contact Curtin’s Student Wellbeing Advisory Service at:
Recent unit changes

Students are encouraged to provide unit feedback through eVALUate, Curtin's online student feedback system. For more information about eVALUate, please refer to evaluate.curtin.edu.au/info/.

To view previous student feedback about this unit, search for the Unit Summary Report at https://evaluate.curtin.edu.au/student/unit_search.cfm. See https://evaluate.curtin.edu.au/info/dates.cfm to find out when you can eVALUate this unit.

Recent changes to this unit include:

Including readings in the Program Calendar.

Changing oral presentation format to include peer presentations.

Removing requirement to record oral presentation in Collaborate.
<table>
<thead>
<tr>
<th>Week</th>
<th>Begin Date</th>
<th>Lecture/Seminar</th>
<th>Additional Materials &amp; Pre-recorded lectures</th>
<th>Tutorial/Other</th>
<th>Notes/Assessment Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>29 February</td>
<td>TOPIC ONE</td>
<td>1. Intro to torts</td>
<td>Introductory tutorial – getting to know each other, how to read cases, unit overview</td>
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<tr>
<td></td>
<td></td>
<td>(1) Unit overview</td>
<td>(2) introduction to negligence</td>
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<tr>
<td>2.</td>
<td>7 March</td>
<td>TOPIC TWO</td>
<td></td>
<td>Introduction to torts</td>
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<td></td>
<td></td>
<td>(1) Compensable harm</td>
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<tr>
<td></td>
<td></td>
<td>(2) Introduction to Duty of Care</td>
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<td>3.</td>
<td>14 March</td>
<td>TOPIC THREE</td>
<td>Principles of tort liability, overview of negligence &amp; duty of care (Relates to Topic Two)</td>
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<tr>
<td></td>
<td></td>
<td>The Duty of Care</td>
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<tr>
<td>4.</td>
<td>21 March</td>
<td>TOPIC FOUR</td>
<td>NO in-class tutorials This week (FRIDAY PUBLIC HOLIDAY) – Work through tutorial question for Topic Three and then listen to iLecture feedback</td>
<td>ASSIGNMENT TO BE SUBMITTED FRIDAY THIS WEEK</td>
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<tr>
<td></td>
<td></td>
<td>Breach of the Duty of Care</td>
<td></td>
<td>21 March Financial penalty if WD pre-Census date (no refund if post WD)</td>
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<tr>
<td>5.</td>
<td>28 March</td>
<td>TOPIC FIVE</td>
<td>Breach of duty of care (relates to Topic Four)</td>
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<tr>
<td></td>
<td></td>
<td>Damage (Causation and scope of liability)</td>
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<tr>
<td>6.</td>
<td>4 April</td>
<td>TOPIC SIX</td>
<td>Damage (Causation and scope of liability) (Relates to Topic Five)</td>
<td>Sunday 10 April last date for withdrawal without fail grade</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Professional negligence &amp; pure economic loss (Part 1)</td>
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<tr>
<td>7.</td>
<td>11 April</td>
<td>TOPIC SEVEN</td>
<td>Professional negligence &amp; pure economic loss (Part 1) (Relates to Topic Six)</td>
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<tr>
<td></td>
<td></td>
<td>Professional negligence &amp; pure economic loss (part 2)</td>
<td></td>
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<tr>
<td>8.</td>
<td>18 April</td>
<td>TOPIC EIGHT</td>
<td>Professional negligence &amp; pure economic loss (part</td>
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<tr>
<td></td>
<td></td>
<td>Damages &amp;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Topic</td>
<td>Details</td>
<td>Notes</td>
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<tr>
<td>25 April</td>
<td>TOPIC NINE</td>
<td>Intentional Infliction of Purely Economic Loss – an overview</td>
<td>Damages &amp; Defences (Relates to Topic Eight)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 May</td>
<td>TOPIC TEN</td>
<td>Defamation</td>
<td>Intentional Infliction of Purely Economic Loss – an overview (Relates to Topic Nine)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 May</td>
<td>TOPIC ELEVEN</td>
<td>Trespass</td>
<td>Defamation (Relates to Topic Ten)</td>
<td></td>
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</tr>
<tr>
<td>16 May</td>
<td>REVISION</td>
<td>Revision workshop</td>
<td>Trespass (Relates to Topic Eleven)</td>
<td></td>
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</tr>
<tr>
<td>23 May</td>
<td>Study Week</td>
<td></td>
<td>In class presentations finish</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 May – 10 June</td>
<td>Study Week</td>
<td></td>
<td>Examinations</td>
<td></td>
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</table>