

Faculty of Humanities and the Arts
Year 11 LEGAL STUDIES 2017 – Senior Syllabus 2013

Term 3: Intended Learning Outcomes (Checklist) Topic: Core Area of Study: Introduction to Civil Obligations

Assessment:

1. **Extended Response** – extended research response, written 800 – 1000 words:

Dimensions assessed: Knowing and Understanding the Law, Investigating Legal Issues, Responding to the Law

Learning Intention	Surface Knowledge (many ideas)	Deep Knowledge (relate and extend ideas)	
	1.1 Acquire the Knowledge	1.2 Connect the Knowledge	1.3 Deepen the Knowledge
<p>1. Focus Question: How do civil agreements and the laws of negligence impact on citizens in a society?</p> <p>Focus statement: <i>The law regulates private interactions between citizens in society, both planned (contract) and unplanned (negligence) The law imposes elements for a contract to be valid and for a negligence claim to be successful. Both the common law and statutory protection provide stakeholders with remedies.</i></p> <p><i>Extract from Legal Studies Senior Syllabus 2013 pg 7</i></p>	<p>I can define / explain the following terms;</p> <ul style="list-style-type: none"> • Duty of care • Breach • Damage caused by the breach • Neighbour principle • Reasonable foreseeability – factors (probability of harm, likely seriousness of harm, burden of taking precautions to avoid risk, standard of care required by law, any special characteristics, relevant acts • Damage suffered – caused by negligence, damage must not be too remote from the negligent act • Defective goods • Drivers and motor vehicles • Teachers • Doctors and Healthcare professionals <p>Duty of Care: Rescuers</p>	<p>1.2 Connect the Knowledge</p> <ul style="list-style-type: none"> <input type="checkbox"/> I can explain using specific examples and via creating in a flow chart on what a Tort is and its implications for society. <input type="checkbox"/> I can identify and explain a stakeholders' interests which are served by civil laws and give examples of various stakeholders. <input type="checkbox"/> I can explain and identify what certain civil legislations were enacted for society. <ul style="list-style-type: none"> ✓ Trespass to Person: Assault and battery ✓ Trespass to Land ✓ Trespass to goods/chattels <p>Defamation: defined Types of Defences to Defamation: honest opinion, Justification, Fair report of proceedings of public concern, qualified privilege, absolute privilege, triviality, innocent dissemination.</p> <p>Resolution to defamation disputes</p>	<p>1.3 Deepen the Knowledge</p> <ul style="list-style-type: none"> <input type="checkbox"/> I can reflect in an inquiry frame; <p>Writing paragraphs, responding to stimulus material, cartoons to consider;</p> <p>Which current legal issues relate to agreement and negligence?</p> <p>What constitutes an enforceable agreement? That is intention to create legal relations, offer and acceptance, consideration, capacity (particular minors) conditions and warranties, exclusion clauses, formalities, unfair contracts.</p> <p>What statutory protection is available to individuals? Competition and Consumer Act including the Australian Consumer Law, Sale of Goods Act, Civil Liability Act, insurance, no-fault compensation schemes.</p>

	<p>Defences: Negligence</p> <ul style="list-style-type: none"> • Volenti not fit injuria • Contributory Negligence <p>I can grasp the various types of legislation; (not limited to)</p> <ul style="list-style-type: none"> • Australian Consumer Law • Civil Dispute Resolution Act • Civil Liability Act • Civil Proceeding Act • Defamation Act • Fair Trading Act <p>I can GRASP current legal issues that relate to Civil Wrongs (Torts) via</p> <ul style="list-style-type: none"> • Reading newspapers • Court Cases • Current events – news items, Podcasts, etc <p>UNDERSTANDING AGREEMENTS</p> <p>Essential Elements to form a contract: Introduction</p> <p>Intention to Create Legal Relations</p> <p>Offer and Acceptance</p> <p>Consideration</p> <p>Contract Formalities:</p> <p>Deeds</p> <p>Simple Contracts</p> <p>The Form of a Contract – oral or writing:</p> <p>Contracts to be in writing</p> <p>What are the terms of the Contract?</p> <p>Distinguishing – between conditions and warranties</p> <p>Implied terms</p>	<p>Nuisance: define Private Nuisance, Public Nuisance, Defences to a tort of Nuisance, Remedies to nuisance disputes, who can be sued, statutory nuisance laws.</p> <p>I can explain how disputes are resolved within the legal system and how decisions are made and reviewed via understanding;</p> <ul style="list-style-type: none"> • Civil hearings and the processes 	<p>How are disputes resolved? that is self-help, legal advice, medication, conciliation and arbitration, tribunals, consumer affairs authorities, courts</p> <p>What are the elements of negligence? That is duty of care, breach of duty of care, damage</p> <p>How do law of negligence impact upon areas of day to day interactions? That is duty of care in schools, personal injuries, motor vehicles, products liability</p> <p>What are the defences to negligence? That is contributory negligence, acceptance of risk</p> <p>What are the remedies for breach of contract or negligence? For example specific performance, damages, rescission, injunctions</p>
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Exclusion Clauses? Enforcing exemption clause

Setting Aside Contracts:

Lack of Legal Capacity:

- Infants
- Contracts for necessities
- Contracts for benefit of infants
- Long term contracts – binding unless repudiated
- Where an infant need to ratify a contract for it to be binding

Lack of Genuine Consent intro

- Mistake of law
- Mistake of fact
- Misrepresentation
- Duress
- Undue influence
- Unconscionability
- Unfair contract terms