

HOLMES
INSTITUTE



Student Name:

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(Block letters)

**HA2022 BUSINESS LAW
TRIMESTER 2, 2012
RESEARCH ASSIGNMENT**

Assessment Value: 20%

Instructions:

1. This research assignment is to be submitted in accordance with the Holmes Institute submission policy.
2. Due date of submission is 5pm, Friday 21st September 2012.
3. Late submission will be treated in accordance with the Holmes Institute submission policy.
4. This assignment consists of two questions. Each question is worth 10 marks.
5. Maximum marks available are 20 marks.
6. You should refer to the prescribed textbook, other recommended textbook, and relevant Acts and cases in your answer.
7. Maximum word length is 2000 words.

Question 1

A Sydney tramway passenger was injured in a collision with another tram, which occurred after the driver collapsed at the controls. The plaintiff argued that the collision could have been avoided if the tramway authority had fitted the tram with a system known as ‘dead man’s handle’, a system in use on Sydney’s trains. This would have stopped the tram and avoided the accident. The device had been rejected by the tramway authorities because it was felt that it could cause drivers to become tired, irritated and inefficient. There was no evidence of any similar device in use on two-man trams anywhere in the world. Will the plaintiff succeed in his negligence claim? Explain your reasoning.

Question 2

Jonas was employed by Rapid Couriers as a courier. His father was employed at the same company and worked with his son. One day while making a delivery, the son lost sight of his father, who was directing him, and accidentally ran over him. Discuss whether the father would successfully sue his employer.