



LAW 109

Criminal Justice and Procedure

S2 Day 2014

Dept of Law

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	6
<u>Unit Schedule</u>	7
<u>Policies and Procedures</u>	7
<u>Graduate Capabilities</u>	8
<u>Changes from Previous Offering</u>	12

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General Information

Unit convenor and teaching staff

Unit Convenor

George Tomossy

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W3A510

Mondays 2-4 (Weeks 2-7, 9-13)

Credit points

3

Prerequisites

LAW115

Corequisites

Co-badged status

This unit is co-taught with LAW 209 as it is phased out (and replaced by LAW109 for all students commencing an LLB program from 2010 onwards).

Unit description

This unit aims to develop in students a thoughtful and critical understanding of the substance of criminal law, criminal procedure and the administration of criminal justice in contemporary Australian society. Students will critically examine principles of criminal responsibility, a range of criminal offences, and aspects of the investigation, prosecution and defence of criminal matters. Throughout the unit, students are required to consider and evaluate the ways that historical, social, political, philosophical and ethical factors inform the substance and operation of criminal law and procedure.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Explain general doctrines of criminal law, in particular, offences against the person and against property; various defences and principles of sentencing.

Research, analyse, synthesise, interpret and derive legal principles from legislation,

regulations, parliamentary debates, and case law governing the administration of criminal justice.

Describe and critique the principal agencies, procedures and practices involved in the administration of criminal justice, including the way in which the rules of criminal law and procedure develop contextually through the interaction of various decision-makers (e.g., defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.

Develop, critique and advocate legal policy reform proposals in the area of criminal justice, including to identify relevant issues and stakeholders, carry out independent research, engage in self- and peer critique, and advocate proposals through oral and written formats.

Collaborate effectively with other students on a group project.

Communicate effectively, verbal and written, with legal and non-legal audiences.

Assessment Tasks

Name	Weighting	Due
<u>Task 1</u>	30%	See Description
<u>Task 2</u>	20%	See Description
<u>Task 3</u>	50%	Sunday 16 November 10:00 (pm)

Task 1

Due: **See Description**

Weighting: **30%**

Students will be required to complete 15 formative exercises. Each exercise will consist of a set of questions designed to enable students to develop their legal research and analytical skills, reinforce their knowledge of relevant doctrinal principles, and enhance their contextual understanding of the laws underpinning the administration of criminal justice.

This Task will be submitted and assessed in two parts as set out below. If a student anticipates being unable to submit a part of Task 1 by the relevant due date, and applies for an extension under the University Disruption Policy (via: ask.mq.edu.au), then they are required to submit their work in progress by the due date. Late submissions (without an approved extension under the disruption policy) will not be graded and will receive a grade of zero.

Exercise #

Due Date

weight (%) 1-5

Monday

25 August

10:00 a.m.

10 6-15

Tuesday

7 October

10:00 a.m.

20

Exercises may include multimedia content, including pre-recorded lectures or podcasts, and most will require students to carry out independent research. All tasks will require access to a computer and the Internet in order to carry out online research to answer questions. On average, students should budget approximately 2 hours per Exercise.

Each exercise is assessed on a Satisfactory/Unsatisfactory basis against criteria, and weighted at 2% each. Each question in an exercise must be answered in order to receive a grade of 2%.

Students must submit each of Parts 1 and 2 of Task 2 using the Turnitin submission link on the unit's iLearn page.

On successful completion you will be able to:

- Explain general doctrines of criminal law, in particular, offences against the person and against property; various defences and principles of sentencing.
- Research, analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates, and case law governing the administration of criminal justice.

Task 2

Due: **See Description**

Weighting: **20%**

In this Assessment, students will collaborate in small groups to develop, critique and advocate legal policy reform proposals in criminal justice. The Project will be carried out in three stages with 'mini-deadlines' and weightings as follows:

Stage Deadline weight 2.A. Individual Submissions Friday 19 September 10:00 a.m.
15%

assessed

individually

2.B.1. Consensus Report

Internal Students: Friday 10 October 10:00 p.m.

External Students: Monday 13 October 10:00 a.m.

5%

assessed as a group

2.B.2 Consensus Presentation

Internal Students: Teaching Weeks 8-12 (in tutorials)

Distance Students: Day 2 of scheduled On Campus Sessions

P/F - (linked to 2.B.1.)

assessed as a group

The Individual Submission (Part 2.A) must be submitted using the Turnitin link provided on the unit's iLearn page. The Group Consensus Report (Part 2.B.1) will be submitted using the wiki set up on the unit's iLearn page. Group Presentations (Part 2.B.2) will take place between weeks 9-13 in a sequence that will be identified prior to the mid-semester break in tutorials.

Note: Part 2.B.1 is graded as a group - each person will receive the same grade of 0%, 3% or 5%, depending on the quality of the report (in accordance with criteria provided on the iLearn page). Part 2.B.2 is graded on a Pass/Fail basis. Students who fail to attend (in the absence of an approved application under the disruption policy) and contribute meaningfully to their Group Presentation (Part 2.B.2) and/or demonstrably failed to contribute to the production of their Group Consensus Report (Part 2.B.1) will receive a grade of 0% for the portion of the grade for Task 2 corresponding to the Consensus Report (2.B.1). Students who fail to submit their Individual Submissions (Part 2.A) will be precluded from participating in the production of the Group Consensus Report (Part 2.B) and will receive a grade of 0/20 for Task 2.

On successful completion you will be able to:

- Explain general doctrines of criminal law, in particular, offences against the person and against property; various defences and principles of sentencing.
- Research, analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates, and case law governing the administration of criminal justice.
- Describe and critique the principal agencies, procedures and practices involved in the administration of criminal justice, including the way in which the rules of criminal law and procedure develop contextually through the interaction of various decision-makers (e.g., defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.
- Develop, critique and advocate legal policy reform proposals in the area of criminal justice, including to identify relevant issues and stakeholders, carry out independent research, engage in self- and peer critique, and advocate proposals through oral and written formats.
- Collaborate effectively with other students on a group project.

- Communicate effectively, verbal and written, with legal and non-legal audiences.

Task 3

Due: **Sunday 16 November 10:00 (pm)**

Weighting: **50%**

Students will be challenged to write a Chapter (2,750 - 3,250 words) for their prescribed textbook.

The focus topic will be identified by the Convenor in Week 2 of Semester.

The Task must be submitted via Turnitin by no later than 10:00pm on the Sunday immediately preceding the commencement of the formal Examination Period for the semester.

Further instructions will be provided on the unit's ilearn page.

On successful completion you will be able to:

- Explain general doctrines of criminal law, in particular, offences against the person and against property; various defences and principles of sentencing.
- Research, analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates, and case law governing the administration of criminal justice.
- Describe and critique the principal agencies, procedures and practices involved in the administration of criminal justice, including the way in which the rules of criminal law and procedure develop contextually through the interaction of various decision-makers (e.g., defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.
- Develop, critique and advocate legal policy reform proposals in the area of criminal justice, including to identify relevant issues and stakeholders, carry out independent research, engage in self- and peer critique, and advocate proposals through oral and written formats.
- Communicate effectively, verbal and written, with legal and non-legal audiences.

Delivery and Resources

This unit has an online presence in iLearn, Macquarie's online learning management system (ilearn.mq.edu.au).

Students will require access to reliable broadband internet and a computer. More information is available at: www.mq.edu.au/iLearn/student_info/index.htm

Students will also be required to use a computer to interact with online research databases and web-based research tools.

The unit has a blended mode of delivery. A weekly 1-hour live lecture will also be recorded and available through Echo360. Internal students have a weekly 1-hour tutorial. Distance education students attend a two-

day residential school (attendance is compulsory). This unit's ilearn page will also contain additional lessons with multimedia content to facilitate learning.

The following textbook is required:

- Jeremy Gans, *Modern Criminal Law of Australia* (Cambridge University Press, 2012).

The following textbook is recommended:

- Simon Bronitt and Bernadette McSherry, *Principles of Criminal Law* (Lawbook, 3rd ed, 2010).

Unit Schedule

Students enrolled in this unit should consult the unit's ilearn page for further details.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Explain general doctrines of criminal law, in particular, offences against the person and against property; various defences and principles of sentencing.
- Research, analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates, and case law governing the administration of criminal justice.

Assessment tasks

- Task 1
- Task 2

- Task 3

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Research, analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates, and case law governing the administration of criminal justice.
- Describe and critique the principal agencies, procedures and practices involved in the administration of criminal justice, including the way in which the rules of criminal law and procedure develop contextually through the interaction of various decision-makers (e.g., defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.
- Develop, critique and advocate legal policy reform proposals in the area of criminal justice, including to identify relevant issues and stakeholders, carry out independent research, engage in self- and peer critique, and advocate proposals through oral and written formats.

Assessment tasks

- Task 1
- Task 2
- Task 3

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Research, analyse, synthesise, interpret and derive legal principles from legislation,

regulations, parliamentary debates, and case law governing the administration of criminal justice.

- Develop, critique and advocate legal policy reform proposals in the area of criminal justice, including to identify relevant issues and stakeholders, carry out independent research, engage in self- and peer critique, and advocate proposals through oral and written formats.

Assessment tasks

- Task 1
- Task 2
- Task 3

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcome

- Develop, critique and advocate legal policy reform proposals in the area of criminal justice, including to identify relevant issues and stakeholders, carry out independent research, engage in self- and peer critique, and advocate proposals through oral and written formats.

Assessment tasks

- Task 2
- Task 3

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Collaborate effectively with other students on a group project.
- Communicate effectively, verbal and written, with legal and non-legal audiences.

Assessment tasks

- Task 2
- Task 3

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcome

- Develop, critique and advocate legal policy reform proposals in the area of criminal justice, including to identify relevant issues and stakeholders, carry out independent research, engage in self- and peer critique, and advocate proposals through oral and written formats.

Assessment tasks

- Task 2
- Task 3

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Describe and critique the principal agencies, procedures and practices involved in the administration of criminal justice, including the way in which the rules of criminal law and procedure develop contextually through the interaction of various decision-makers (e.g., defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.
- Collaborate effectively with other students on a group project.

Assessment tasks

- Task 2
- Task 3

Changes from Previous Offering

Assessment Task 2 was previously divided into three parts. The weighting of Task 2 remains the same. Learning Outcome 1 (doctrinal knowledge) has been modified to reflect a decreased emphasis on criminal procedure, which will be addressed more fully in LAWS398 Civil and Criminal Procedure. Mapping of learning outcomes, assessments and graduate capabilities have been further refined.