



# LAWS802

## Criminal Justice and Public Policy

S1 Day 2014

*Dept of Law*

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## General Information

Unit convenor and teaching staff Unit Convenor George Tomossy <a href="mailto:george.tomossy@mq.edu.au">george.tomossy@mq.edu.au</a> Contact via <a href="mailto:george.tomossy@mq.edu.au">george.tomossy@mq.edu.au</a>
Credit points 4
Prerequisites Admission to JD
Corequisites
Co-badged status
Unit description This unit aims to develop an advanced understanding of the substantive principles of criminal law, the administration of criminal justice and related public policy dimensions 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. They will carry out an independent piece of research to analyse and evaluate historical, social, political, philosophical and ethical factors that inform policy development in this area, including a current priority area for legal and policy reform.

## 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 at an advanced level and, in particular, examination of both offences against the person and against property; as well as various defences and to elements of criminal procedure.

Analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates case law governing Criminal Law at an advanced level.

Critique, through an interdisciplinary lens, 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 (including defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.

Develop, critique and advocate advanced legal policy reform proposals in the area of criminal justice, which will include an ability 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 and exercise leadership within a research team.

Communicate through verbal and written means with legal and non-legal audiences at an advanced level.

## Assessment Tasks

Name	Weighting	Due
<u>Exercises</u>	30%	28 April 2014
<u>Project</u>	20%	5 May 2014
<u>Research Paper</u>	50%	15 June 2014

### Exercises

Due: **28 April 2014**

Weighting: **30%**

Students will complete a set of structured exercises to develop their legal research and statutory interpretation skills and understanding of legal principles and issues in criminal justice.

On successful completion you will be able to:

- Explain general doctrines of criminal law at an advanced level and, in particular, examination of both offences against the person and against property; as well as various defences and to elements of criminal procedure.
- Analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates case law governing Criminal Law at an advanced level.

### Project

Due: **5 May 2014**

Weighting: **20%**

In groups of up to 6, students will produce law and policy reform proposals on a contemporary issue in criminal justice. They will present their work in written form and through oral

presentations.

On successful completion you will be able to:

- Critique, through an interdisciplinary lens, 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 (including defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.
- Develop, critique and advocate advanced legal policy reform proposals in the area of criminal justice, which will include an ability 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 and exercise leadership within a research team.
- Communicate through verbal and written means with legal and non-legal audiences at an advanced level.

## Research Paper

Due: **15 June 2014**

Weighting: **50%**

Students will produce a 3,000 word research paper in which they demonstrate their achievement of all learning outcomes of this unit.

On successful completion you will be able to:

- Explain general doctrines of criminal law at an advanced level and, in particular, examination of both offences against the person and against property; as well as various defences and to elements of criminal procedure.
- Analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates case law governing Criminal Law at an advanced level.
- Critique, through an interdisciplinary lens, 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 (including defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.
- Develop, critique and advocate advanced legal policy reform proposals in the area of criminal justice, which will include an ability 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 through verbal and written means with legal and non-legal audiences at an advanced level.

## Delivery and Resources

This unit has an online presence in iLearn, Macquarie's online learning management system ([ilearn.mq.edu.au](http://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](http://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. Students are required to access online materials and resources.

Internal students will have a weekly 90 minute seminar. Distance education students will attend a three-day residential school (attendance is compulsory for the first two of three days).

The following textbooks are required:

- Simon Bronitt and Bernadette McSherry, *Principles of Criminal Law* (Lawbook, 3rd ed, 2010).
- Michelle Sanson, *Statutory Interpretation* (Oxford University Press, 2012).

## Unit Schedule

Students are referred to the iLearn page for this unit 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](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](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](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/](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](http://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](http://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

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

### Learning outcomes

- Explain general doctrines of criminal law at an advanced level and, in particular, examination of both offences against the person and against property; as well as various

defences and to elements of criminal procedure.

- Analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates case law governing Criminal Law at an advanced level.
- Develop, critique and advocate advanced legal policy reform proposals in the area of criminal justice, which will include an ability 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**

- Exercises
- Research Paper

## **PG - Critical, Analytical and Integrative Thinking**

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

## **Learning outcomes**

- Analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates case law governing Criminal Law at an advanced level.
- Critique, through an interdisciplinary lens, 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 (including defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.
- Develop, critique and advocate advanced legal policy reform proposals in the area of criminal justice, which will include an ability 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**

- Project
- Research Paper

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

### Learning outcomes

- Analyse, synthesise, interpret and derive legal principles from legislation, regulations, parliamentary debates case law governing Criminal Law at an advanced level.
- Develop, critique and advocate advanced legal policy reform proposals in the area of criminal justice, which will include an ability 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

- Exercises
- Project
- Research Paper

## PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

### Learning outcomes

- Develop, critique and advocate advanced legal policy reform proposals in the area of criminal justice, which will include an ability 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 and exercise leadership within a research team.
- Communicate through verbal and written means with legal and non-legal audiences at an advanced level.

### Assessment tasks

- Project



- Research Paper

## PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

### Learning outcomes

- Critique, through an interdisciplinary lens, 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 (including defendants, the police, the courts, prosecution, lawyers and victims of crime) within the broader aim of criminal justice.
- Develop, critique and advocate advanced legal policy reform proposals in the area of criminal justice, which will include an ability 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 and exercise leadership within a research team.

### Assessment tasks

- Project
- Research Paper

## PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

### Learning outcome

- Collaborate effectively and exercise leadership within a research team.