



LAWS3200

Civil and Criminal Procedure

Session 1, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

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General Information

Unit convenor and teaching staff

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Andrew Burke

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Credit points

10

Prerequisites

130cp including LAW203 or LAWS2400

Corequisites

Co-badged status

Unit description

This unit examines the principles of civil and criminal procedure in New South Wales. The unit canvasses general principles of civil procedure, such as pre-trial procedures, the nature of adversarial disputation, ethics of practice and a critical evaluation of the administration of justice, as well as select topics in criminal procedure, such as classification of offences, bail and sentencing.

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:

ULO1: Explain and apply the principles and stages of civil and criminal procedure

ULO2: Display elementary legal advocacy skills

ULO3: Apply statutory interpretation to problems of civil and criminal procedural law

ULO4: Communicate an integrated body of procedural law knowledge both orally and in writing

ULO5: Analyse civil and criminal procedural law in its historical, social and legal context

General Assessment Information

Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of, 0 (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-time sensitive assessment (your assignment). Late submission of time sensitive tasks (your oncall class participation and examination) will only be addressed by the unit convenor following a Special consideration application. Special Consideration, if granted, will result in a supplementary examination or a rescheduled class participation task.

Assessment Tasks

Name	Weighting	Hurdle	Due
Class Participation	20%	No	Weekly, particularly your 2 oncall weeks
Court Report	40%	No	11:55pm, Sunday 5 May 2024
Take Home Final Assessment	40%	No	9am-1pm, Thursday, 6 June 2024

Class Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Weekly, particularly your 2 oncall weeks**

Weighting: **20%**

Student participation in tutorial discussions, debates and/or presentations

On successful completion you will be able to:

- Explain and apply the principles and stages of civil and criminal procedure
- Display elementary legal advocacy skills
- Apply statutory interpretation to problems of civil and criminal procedural law
- Analyse civil and criminal procedural law in its historical, social and legal context

Court Report

Assessment Type ¹: Report

Indicative Time on Task ²: 15 hours

Due: **11:55pm, Sunday 5 May 2024**

Weighting: **40%**

Students are required to consider procedural fairness in the context of New South Wales courts. This may involve court observation. Findings are to be critically assessed drawing on literature provided in readings and independent research.

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Take Home Final Assessment

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 15 hours

Due: **9am-1pm, Thursday, 6 June 2024**

Weighting: **40%**

The final test may cover any or all topics and materials covered in the unit

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¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this

type of assessment

- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Delivery:

Weekly lecture (2 hours - live and recorded) and weekly tutorial (1 hour live).

Lectures and tutorials both commence in Week 1.

Resources:

Civil Procedure: Sonya Willis *Civil Dispute Resolution: Balancing Themes and Theory* CUP 2022.

Criminal Procedure: Howie, Sattler and Hood *Hayes & Eburn Criminal Law and Procedure in NSW* LexisNexis 2023 [Students who already own Ed 6 of this text from Criminal Law are not required to purchase Ed 7]

[Refer to iLearn for detailed information on delivery and resources]

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies](https://students.mq.edu.au/support/study/policies) (<https://students.mq.edu.au/support/study/policies>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of

Conduct: <https://students.mq.edu.au/admin/other-resources/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

Student Services and Support

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual

assault

- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

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

Unit information based on version 2024.03 of the [Handbook](#)