



LAW 115

Foundations of Law

S2 External 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>	9
<u>Unit Schedule</u>	10
<u>Policies and Procedures</u>	12
<u>Graduate Capabilities</u>	14

Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Unit Convenor

Carlos Bernal-Pulido

carlos.bernal-pulido@mq.edu.au

Contact via carlos.bernal-pulido@mq.edu.au

W3A 625

Mon 2-4

Credit points

3

Prerequisites

(Admission to LLB or BAppFinLLB or BALLB or BA-MediaLLB or BA-PsychLLB or BBALLB or BComLLB or BCom-ProfAccgLLB or BEnvLLB or BITLLB or BIntStudLLB or BPsych(Hons)LLB or BScLLB or BSocScLLB) or (admission to the pre-law pathway)

Corequisites

Co-badged status

Unit description

This unit will enable students to attain the key legal skills (legal research, reasoning, and writing; applying precedent; statutory interpretation; and legal problem solving) and to acquire the foundational legal knowledge (Australia legal institutions; legal theory; comparative legal systems; parliamentary process; role of the judiciary) necessary for further study in law. This unit will challenge students to apply their skills and knowledge to examine a contemporary socio-legal issue through a collaborative group project. Students will also engage in reflective practice.

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:

Define and describe basic principles of the doctrine of precedent and statutory interpretation and apply them to interpret primary legal sources (case law and legislation), for the purpose of deriving and constructing legal rules and principles

Analyse factual scenarios and identify relevant legal issues

Perform basic legal research tasks including finding and analysing relevant primary and secondary sources

Define, describe and apply basic principles of legal problem solving and reasoning

Engage creatively with contemporary legal problems in their social context and to propose innovative solutions

Communicate effectively in both oral and written form to both legal and non-legal audiences

Collaborate effectively with other students to complete a multi-staged project and present outcomes in both written and oral form

Apprise the broader philosophical, ethical and socio-political context of legal issues and problems

Define and describe the foundational elements of the Australian legal system, Australian Public Law, indigenous customary law, the different types of legal systems in the world, and international law

Apply, on a preliminary basis, their understanding of ethical issues, principles of academic honesty, professional duties and options for resolving legal disputes in Australia

Engage in reflective practice relating to their future development as law students and professionals

Assessment Tasks

Name	Weighting	Due
<u>Academic Honesty & Referencing</u>	10%	Week 3
<u>Statutory Interpretation</u>	10%	Week 3
<u>Case Brief</u>	10%	Week 4
<u>Research note</u>	10%	Week 6
<u>Hypothetical Problem</u>	20%	Week 7
<u>Group Project</u>	20%	Week 7
<u>Group Project 2</u>	10%	Weeks 8-12
<u>Reflective Case Analysis</u>	10%	Week 13

Academic Honesty & Referencing

Due: **Week 3**

Weighting: **10%**

These two multiple choice quizzes will require students to demonstrate:

Understanding and application of principles of academic honesty and proper referencing.

On successful completion you will be able to:

- Apply, on a preliminary basis, their understanding of ethical issues, principles of academic honesty, professional duties and options for resolving legal disputes in Australia

Statutory Interpretation

Due: **Week 3**

Weighting: **10%**

This short answer assignment will require students to demonstrate:

understanding of principles of statutory interpretation; and the ability to apply them to interpret legislation for the purpose of deriving and constructing legal rules and principles

On successful completion you will be able to:

- Define and describe basic principles of the doctrine of precedent and statutory interpretation and apply them to interpret primary legal sources (case law and legislation), for the purpose of deriving and constructing legal rules and principles
- Analyse factual scenarios and identify relevant legal issues
- Define, describe and apply basic principles of legal problem solving and reasoning
- Engage creatively with contemporary legal problems in their social context and to propose innovative solutions

Case Brief

Due: **Week 4**

Weighting: **10%**

In this short essay (500 words), students will be required to demonstrate:

- the ability to clearly and concisely summarise a case;
- understanding of the doctrine of precedent; and

the ability to apply them to interpret case law for the purpose of deriving and constructing legal rules and principles

On successful completion you will be able to:

- Define and describe basic principles of the doctrine of precedent and statutory interpretation and apply them to interpret primary legal sources (case law and legislation), for the purpose of deriving and constructing legal rules and principles
- Analyse factual scenarios and identify relevant legal issues
- Define, describe and apply basic principles of legal problem solving and reasoning
- Engage creatively with contemporary legal problems in their social context and to propose innovative solutions

Research note

Due: **Week 6**

Weighting: **10%**

Students will prepare a short research note (500 words) on a contemporary legal issue in which they will be required to demonstrate:

- the ability to carry out basic legal research tasks, including finding and analysing relevant primary and secondary sources; and

the ability to communicate effectively in a written form to a non-legal audience.

On successful completion you will be able to:

- Define and describe basic principles of the doctrine of precedent and statutory interpretation and apply them to interpret primary legal sources (case law and legislation), for the purpose of deriving and constructing legal rules and principles
- Analyse factual scenarios and identify relevant legal issues
- Perform basic legal research tasks including finding and analysing relevant primary and secondary sources
- Define, describe and apply basic principles of legal problem solving and reasoning
- Communicate effectively in both oral and written form to both legal and non-legal audiences
- Apprise the broader philosophical, ethical and socio-political context of legal issues and problems

Hypothetical Problem

Due: **Week 7**

Weighting: **20%**

In this essay (1,000 words), students will solve a hypothetical problem in public law. This problem will be the fact scenario for the annual Foundations Public Law Mooting Competition.

Students will be required to demonstrate:

- the ability to analyse factual scenarios and identify relevant legal issues;
- the ability to understand and apply basic principles of legal problem solving and reasoning;
- the ability to carry out basic legal research tasks, including finding and analysing relevant primary and secondary sources;
- the ability to communicate effectively in a written form to a legal audience.

On successful completion you will be able to:

- Define and describe basic principles of the doctrine of precedent and statutory interpretation and apply them to interpret primary legal sources (case law and legislation), for the purpose of deriving and constructing legal rules and principles
- Analyse factual scenarios and identify relevant legal issues
- Perform basic legal research tasks including finding and analysing relevant primary and secondary sources
- Define, describe and apply basic principles of legal problem solving and reasoning

Group Project

Due: **Week 7**

Weighting: **20%**

Using the wiki platform on the unit ilearn web page, students will publish a written submission (1,500 – 2,000 words) for their group project. Students will be required to demonstrate:

- the ability to apply them to interpret primary and secondary sources for the purpose of deriving and constructing legal rules and principles;
- the ability to engage creatively with contemporary legal problems in their social context and to propose innovative solutions;
- the ability to collaborate effectively in a time-sensitive, multi-stage project;
- the ability to communicate effectively in written form with a non-legal audience; and
- the ability to demonstrate their understanding of the broader philosophical, ethical and/or socio-political context of legal issues and problems.

All individual student contributions to the Group Project must be evidenced by meaningful posts recorded on the wiki (including submission of original text, editing, revision and online discussion). Collaboration that occurs outside the wiki online platform will not be credited.

Students who demonstrably fail to contribute meaningfully to the group project will receive a grade of 'unsatisfactory' for this assessment task and will be precluded from participating in Assessment 6.

On successful completion you will be able to:

- Define and describe basic principles of the doctrine of precedent and statutory interpretation and apply them to interpret primary legal sources (case law and legislation), for the purpose of deriving and constructing legal rules and principles
- Analyse factual scenarios and identify relevant legal issues
- Perform basic legal research tasks including finding and analysing relevant primary and secondary sources
- Define, describe and apply basic principles of legal problem solving and reasoning
- Engage creatively with contemporary legal problems in their social context and to propose innovative solutions
- Communicate effectively in both oral and written form to both legal and non-legal audiences
- Collaborate effectively with other students to complete a multi-staged project and present outcomes in both written and oral form
- Apprise the broader philosophical, ethical and socio-political context of legal issues and problems
- Define and describe the foundational elements of the Australian legal system, Australian Public Law, indigenous customary law, the different types of legal systems in the world, and international law

Group Project 2

Due: **Weeks 8-12**

Weighting: **10%**

Each group will be allocated 10 minutes to present their work, followed by up to 5 minutes for questions and answers in relation to the outcomes of their Group Project (assessment task 5). Students will demonstrate their ability to communicate research outcomes effectively in oral form to both legal (their tutors) and non-legal (their peers) audiences.

Students who failed to contribute meaningfully to Assessment task 5 will be precluded from completing this assessment task.

Note: Distance education students will commence their projects online prior to the residential school dates. They will be provided with an opportunity to meet for one hour at the end of Day 1 to coordinate their 'work in progress' presentations, which they will deliver in Day 2.

On successful completion you will be able to:

- Define and describe basic principles of the doctrine of precedent and statutory interpretation and apply them to interpret primary legal sources (case law and legislation), for the purpose of deriving and constructing legal rules and principles
- Analyse factual scenarios and identify relevant legal issues
- Perform basic legal research tasks including finding and analysing relevant primary and secondary sources
- Define, describe and apply basic principles of legal problem solving and reasoning
- Engage creatively with contemporary legal problems in their social context and to propose innovative solutions
- Communicate effectively in both oral and written form to both legal and non-legal audiences
- Collaborate effectively with other students to complete a multi-staged project and present outcomes in both written and oral form
- Apprise the broader philosophical, ethical and socio-political context of legal issues and problems
- Define and describe the foundational elements of the Australian legal system, Australian Public Law, indigenous customary law, the different types of legal systems in the world, and international law

Reflective Case Analysis

Due: **Week 13**

Weighting: **10%**

Students will write a short essay (750 words) in which they reflect on their own group project and that of one other groups and set out (1) how the relevant principles of public law would ground a solution for the issues at stake; and (2) how further study in the LLB program would assist them to build their knowledge base and legal skills to provide more rigorous, critical and innovative solutions. Students will be challenged to reflect on the anticipated relevance of each of the other compulsory units in the LLB program and at least four electives of their choice.

Through this assessment task, students will also be required to demonstrate their knowledge of foundational public law concepts covered in the lectures and their capacity to engage in

reflective practice.

On successful completion you will be able to:

- Analyse factual scenarios and identify relevant legal issues
- Perform basic legal research tasks including finding and analysing relevant primary and secondary sources
- Define, describe and apply basic principles of legal problem solving and reasoning
- Engage creatively with contemporary legal problems in their social context and to propose innovative solutions
- Communicate effectively in both oral and written form to both legal and non-legal audiences
- Define and describe the foundational elements of the Australian legal system, Australian Public Law, indigenous customary law, the different types of legal systems in the world, and international law
- Engage in reflective practice relating to their future development as law students and professionals

Delivery and Resources

REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

REQUIRED READING

Michelle Sanson, Thalia Anthony and David Worswick, *Connecting with the Law* (Oxford University Press, 2nd ed, 2010).

Michelle Sanson, *Statutory Interpretation* (Oxford University Press, 2012).

Alexander Reilly, Gabrielle Appleby, Laura Grenfell and Wendy Lacey, *Australian Public Law* (Oxford University Press, 2012).

Additional required and recommended materials will be posted at the website of the Unit.

UNIT WEBPAGE AND TECHNOLOGY USED AND REQUIRED

Online units can be accessed at: <http://ilearn.mq.edu.au/>.

PC and Internet access are required. Basic computer skills (e.g., internet browsing) and skills in word processing are also a requirement.

Please consult teaching staff for any further, more specific requirements.

Unit Schedule

UNIT SCHEDULE by TOPIC (Combined Law)		
Week	Lecture (1 hour)	Tutorials (1 hour per topic) [internal students]
1	L1 – Overview	T1 – Academic Honesty and Referencing
2	L2 - Australian Parliaments, Separation of Powers, Legislative Process and the Executive	T2 – Statutory Interpretation
3	L3 – Judicial Reasoning and The Doctrine of Precedent	T3 – Briefing a Case
4	L4 - The Australian Constitution, Democratic Institutions and the Rule of Law	T4 – Solving Legal Problems
5	L5 – Project Overview	T5 – Understanding Legal Scholarship and Legal Writing

6	L6 – Comparative Legal Systems	T6 – Group Project (start - finalise groups and brainstorm)
Mid-Semester Break		
7	L7 - International Law & Human Rights	T7 - Review of foundational skills
8	L8 - Origins of the Australian Legal System and Indigenous Customary Law	T8 - Group Presentation - Topic 1
9	L9 - Tribunals	T9 - Group Presentation - Topic 2
10	L10 - Australian Courts and Legal Traditions	T10 - Group Presentation - Topic 3
11	L11 - Law, Policy and Public Interest	T11 - Group Presentation - Topic 4
12	L12 - Ethics, Professional Practice and Alternative Dispute Resolution	T12 - Group Presentation - Topic 5
13	L13 - Conclusion - The Rest of your Law Degree	T13 – Reflective practice

In addition, there will be three workshops (two hours long) in Week 2 (on Legal Research); in Week 5 (on Statutory Interpretation and Case Briefs); and in Week 9 (on solving Hypothetical Problems). Timetable and classroom to be announced.

Indicative Schedule for Distance LL.B Cohort two-day Intensive:

	Day 1 – 24 September 2014
9:00 – 10:00	L1 – Welcome and Overview
10:00 – 11:00	T1 – Academic Honesty and Referencing
11:00 – 11:30	BREAK

11:30 – 12:30	Library Workshop		
12:30 – 13:30	LUNCH		
13:30 – 14:30	T2 – Statutory Interpretation		
14:30 – 15:00	BREAK		
15:00 – 16:00	T3 – How to Brief a Case		
16:00 – 17:00	T4 – Group Project		

	Day 2 – 25 September 2014		
9:00 – 10:00	T5 – Understanding Legal Scholarship		
10:00 – 11:00	T6 – Solving Legal Problems		
11:00 – 11:30	BREAK		
11:30 – 12:30	T7 – Group Presentations, Topic 1		
12:30 – 13:00	LUNCH		
13:00 – 13:30	T8 – Group Presentations, Topic 2		
13:30 – 14:30	T9 – Group Presentations, Topic 3		
14:30 – 15:00	BREAK		
15:00 – 16:30	T10/11 – Group Presentations, Topics 4 and 5		

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

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcome

- Engage in reflective practice relating to their future development as law students and professionals

Assessment task

- Reflective Case Analysis

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

- Define and describe basic principles of the doctrine of precedent and statutory interpretation and apply them to interpret primary legal sources (case law and legislation), for the purpose of deriving and constructing legal rules and principles
- Define and describe the foundational elements of the Australian legal system, Australian Public Law, indigenous customary law, the different types of legal systems in the world, and international law
- Apply, on a preliminary basis, their understanding of ethical issues, principles of academic honesty, professional duties and options for resolving legal disputes in Australia

Assessment tasks

- Academic Honesty & Referencing

- Statutory Interpretation
- Case Brief
- Research note
- Hypothetical Problem
- Group Project
- Group Project 2
- Reflective Case Analysis

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

- Analyse factual scenarios and identify relevant legal issues
- Perform basic legal research tasks including finding and analysing relevant primary and secondary sources
- Define, describe and apply basic principles of legal problem solving and reasoning
- Apprise the broader philosophical, ethical and socio-political context of legal issues and problems

Assessment tasks

- Academic Honesty & Referencing
- Statutory Interpretation
- Case Brief
- Research note
- Hypothetical Problem
- Group Project
- Group Project 2
- Reflective Case Analysis

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

- Define and describe basic principles of the doctrine of precedent and statutory interpretation and apply them to interpret primary legal sources (case law and legislation), for the purpose of deriving and constructing legal rules and principles
- Analyse factual scenarios and identify relevant legal issues
- Perform basic legal research tasks including finding and analysing relevant primary and secondary sources
- Define, describe and apply basic principles of legal problem solving and reasoning

Assessment tasks

- Statutory Interpretation
- Case Brief
- Research note
- Hypothetical Problem
- Group Project
- Group Project 2
- Reflective Case Analysis

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 outcome

- Communicate effectively in both oral and written form to both legal and non-legal audiences

Assessment tasks

- Research note
- Hypothetical Problem
- Group Project
- Group Project 2
- Reflective Case Analysis

