



# LAW 115

## Foundations of Law

S2 Day 2015

*Dept of Law*

### Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	3
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	8
<u>Unit Schedule</u>	9
<u>Policies and Procedures</u>	11
<u>Graduate Capabilities</u>	12

#### **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](mailto:carlos.bernal-pulido@mq.edu.au)

Contact via [carlos.bernal-pulido@mq.edu.au](mailto:carlos.bernal-pulido@mq.edu.au)

W3A 625

Mon 2-4

Co-Convenor

George Tomossy

[george.tomossy@mq.edu.au](mailto:george.tomossy@mq.edu.au)

Contact via [george.tomossy@mq.edu.au](mailto:george.tomossy@mq.edu.au)

W3A510

Tues 1-3

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:

Apply principles of academic honesty and rules for correct legal citation (AGLC3)

Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles

Analyse factual problem scenarios and prepare a structured response using the HIRAC framework for legal problem solving

Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources

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

Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context

Collaborate effectively with other students in a respectful, collegial and inclusive manner

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

Define, describe and relate sources of legal norms in the Australian legal system (including private and public law, indigenous customary law, international law) and other legal systems in the world

Apply reflective practice to learning as law students and as future legal professionals

## General Assessment Information

Unless otherwise noted or instructed by the Unit Convenor or your tutor, **Assessment Tasks are due by 3pm on the Friday of the Week indicated.**

This unit is graded on a Satisfactory (Pass) or Fail basis.

Each assessment task must be submitted by the due date indicated on the unit iLearn page (or otherwise directed by their tutor) and must receive a grade of 'satisfactory' in accordance with the rubric provided for that assessment in order to pass the unit.

Students will be afforded an opportunity to resubmit any assessment task that is not deemed to be 'satisfactory' by their tutor. In such cases, students will be required to reflect on and incorporate feedback provided by their tutor on the assessment task into their resubmission. Students may also be directed to undertake supplementary work or access learning supports provided by the University. Students must comply with deadlines for resubmission provided by their tutor. Subject to variation by written agreement with their tutor, students have one week from receipt of feedback to review, revise and resubmit their work.

Students who fail to obtain a 'satisfactory' grade on a resubmission of any assessment task will be referred to the unit convenor. The Convenor will, at this point, either:

- direct the tutor to provide a further and final opportunity to resubmit their work (depending on the demonstrated level of engagement of the student with the assessment task, feedback provided by the tutor and likelihood that a further resubmission will result in a successful outcome for the assessment task); or
- enter a 'Fail' grade for the Unit.

Unless a student has been granted a time extension under the University's Disruption to Studies Policy, any work (including resubmissions) submitted after the commencement of the formal exam period for that semester will be deemed late, not graded and result in a grade of 'Fail' being recorded for the unit.

## Assessment Tasks

Name	Weighting	Due
<a href="#"><u>Academic Honesty &amp; Referencing</u></a>	10%	Week 3
<a href="#"><u>Statutory Interpretation</u></a>	10%	Week 3
<a href="#"><u>Case Brief</u></a>	10%	Week 4
<a href="#"><u>Research note</u></a>	10%	Week 6
<a href="#"><u>Hypothetical Problem</u></a>	20%	Week 7
<a href="#"><u>Group Project</u></a>	20%	Week 7
<a href="#"><u>Group Project 2</u></a>	10%	Weeks 8-12
<a href="#"><u>Reflective Case Analysis</u></a>	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
- Ability to follow the correct rules for citation (AGLC3).

On successful completion you will be able to:

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)

## 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:

- Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles

## 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 interpret case law for the purpose of deriving and constructing legal rules and principles

On successful completion you will be able to:

- Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles

## 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:

- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources
- Communicate effectively in both oral and written form to both legal and non-legal audiences
- Identify and explain 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:

- Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles
- Analyse factual problem scenarios and prepare a structured response using the HIRAC framework for legal problem solving
- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources
- Communicate effectively in both oral and written form to both legal and non-legal audiences

## 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 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 the group project 2, that is, the presentations.

On successful completion you will be able to:

- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
- Collaborate effectively with other students in a respectful, collegial and inclusive manner
- Identify and explain the broader philosophical, ethical and socio-political context of legal issues and problems

## 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:

- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources
- Communicate effectively in both oral and written form to both legal and non-legal audiences
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
- Collaborate effectively with other students in a respectful, collegial and inclusive manner
- Identify and explain the broader philosophical, ethical and socio-political context of legal issues and problems

## 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:

- Identify and explain the broader philosophical, ethical and socio-political context of legal issues and problems
- Define, describe and relate sources of legal norms in the Australian legal system (including private and public law, indigenous customary law, international law) and other legal systems in the world
- Apply reflective practice to learning as law students and as future legal 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, 3th ed, 2015).

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

Alexander Reilly, Gabrielle Appleby, Laura Grenfell and Wendy Lacey, *Australian Public Law* (Oxford University Press, 2nd ed., 2014).

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

**Unit webpage and technology used and require**

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

Computer and Internet access are required in order to successfully complete this unit. Basic computer skills (e.g., internet browsing) and skills in word processing are also a requirement.

## Unit Schedule

LAW 115 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)
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

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

	<b>Day 1</b>		
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

	<b>Day 2</b>
9:00 – 10:00	T5 – Understanding Legal Scholarship
10:00 – 10:30	BREAK
10:30 – 11:30	T6 – Solving Legal Problems
11:30 – 13:00	T7 – Group Presentations, Topics 1 & 2
13:00 – 14:00	LUNCH
14:00 – 15:30	T8 – Group Presentations, Topics 3 & 4
15:30 – 16:00	BREAK
16:00 – 16:45	T10/11 – Group Presentations, Topic 5
16:45 – 17:00	Conclusion

## 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/)

## Results

Results shown in *iLearn*, 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](http://ask.mq.edu.au).

## 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

### 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**

- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context

### **Assessment tasks**

- Group Project
- Group Project 2

## **Capable of Professional and Personal Judgement and Initiative**

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

### **Learning outcomes**

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
- Collaborate effectively with other students in a respectful, collegial and inclusive manner
- Apply reflective practice to learning as law students and as future legal professionals

### **Assessment tasks**

- Academic Honesty & Referencing
- Reflective Case Analysis

## **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**

- Apply reflective practice to learning as law students and as future legal 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

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
- Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles
- Analyse factual problem scenarios and prepare a structured response using the HIRAC framework for legal problem solving
- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources
- Define, describe and relate sources of legal norms in the Australian legal system (including private and public law, indigenous customary law, international law) and other legal systems in the world

## Assessment tasks

- Academic Honesty & Referencing
- Statutory Interpretation
- Case Brief
- Hypothetical Problem
- Group Project
- Group Project 2

## 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**

- Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles
- Analyse factual problem scenarios and prepare a structured response using the HIRAC framework for legal problem solving
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
- Identify and explain the broader philosophical, ethical and socio-political context of legal issues and problems
- Define, describe and relate sources of legal norms in the Australian legal system (including private and public law, indigenous customary law, international law) and other legal systems in the world

## **Assessment tasks**

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

## **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**

- Analyse factual problem scenarios and prepare a structured response using the HIRAC framework for legal problem solving
- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources

## Assessment tasks

- Hypothetical Problem
- Group Project
- Group Project 2

## 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

- Communicate effectively in both oral and written form to both legal and non-legal audiences
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
- Collaborate effectively with other students in a respectful, collegial and inclusive manner

## Assessment tasks

- Research note
- Hypothetical Problem
- Group Project
- Group Project 2

## 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 outcomes

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
- Collaborate effectively with other students in a respectful, collegial and inclusive manner
- Identify and explain the broader philosophical, ethical and socio-political context of legal



issues and problems

## **Assessment tasks**

- Group Project
- Group Project 2

## **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 outcome**

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

## **Assessment tasks**

- Group Project
- Group Project 2