



# LAWS802

## Criminal Justice and Public Policy

S2 External 2016

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor

Elyse Methven

[elyse.methven@mq.edu.au](mailto:elyse.methven@mq.edu.au)

Contact via email

W3A 539

Thursday 2-3pm (teaching weeks)

Credit points

4

Prerequisites

Admission to JD or GradCertLaw or GradDipLaw or LLM

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:

Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice

Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal

justice

Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios

Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice

Collaborate effectively with other students in group activities including in presentations and class discussions

Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences

Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## General Assessment Information

In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded, and will receive a mark of zero (without exceptions). Ensure all assessments are submitted well before the due time, as excuses due to technical malfunctioning in the final hours (or minutes) before the due date and time will not be considered.

Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked.

All assessments in the unit are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit.

All assessments must be appropriately referenced, applying the *Australian Guide to Legal Citation* (3rd ed). The Guide is available here <http://mulr.law.unimelb.edu.au/go/AGLC3>.

Assessments must be submitted in double line spaced text, 12 point, Times New Roman font. Headings and subheadings should be used where appropriate.

## Assessment Tasks

Name	Weighting	Due
<a href="#">Task 1: Problem solving</a>	30%	Multiple - See Description
<a href="#">Task 2: Class Participation</a>	20%	Ongoing
<a href="#">Task 3 - Law Reform Submission</a>	50%	4 November 2016, 11.59 pm

## Task 1: Problem solving

Due: **Multiple - See Description**

Weighting: **30%**

Students will be required to complete two formative problem questions. Each problem question will relate to one or more areas of criminal law, and will 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.

The problem questions will be assessed on an ongoing basis throughout the semester. They will test students' understanding of the criminal law in common law and in statute, and students' ability to structure an answer to a problem question, identify applicable law, and legal issues from a fact scenario.

Advice will be given in seminars on how to structure answers to problem questions; identify applicable law; identify and resolve legal issues; and develop a clear and coherent analysis.

The questions will require an advanced and critical application of the principles of statutory interpretation, problem solving, independent research and demonstration of other legal skills.

These assessments will have the following due dates:

**Q 1: Sunday 28 August 2016 at 11.59pm (Week 4)**

**Q 2: Sunday 9 October 2016 at 11.59 pm (Week 8)**

Task 1 will be worth a total of 30% (15 marks per question).

**Word limits** for each question will be released with the questions, which will be posted on iLearn. Word limits include substantive footnotes and there is no leeway for word limits. Markers will stop reading once the word limit is reached.

All work is to be completed in accordance with the **AGLC 3rd edition** (see General Assessment Information). Each answer must be submitted via Turnitin on iLearn and must comply with the instructions found under General Assessment Information.

A **marking rubric** will be provided with the assessment task.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal

justice scenarios

- Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## Task 2: Class Participation

Due: **Ongoing**

Weighting: **20%**

Class participation will be worth 20%. Class participation is not the same thing as class attendance. Students will be required to attend each seminar and participate in set activities, including class discussions, individual and group quizzes, and other set work. Participation requires consistent demonstration of understanding and critical engagement with the required readings.

If you cannot attend a seminar, you must inform the lecturer, via email, as soon as possible. Extended absences of more than two seminars must meet the criteria for Disruption to Studies. Applications for Disruptions to Studies are made online at [ask.mq.edu.au](https://ask.mq.edu.au) in response to a serious and unavoidable event.

**External students** will be assessed on their participation at the compulsory on-campus session, and must **attend all applicable days**. External students must undertake the readings and prepare for, and participate in, the seminar exercises. This material will form the basis for the activities undertaken at the on campus session. More information on the structure of the on campus session will be provided on a date closer to the on-campus session days, on iLearn.

Class participation will be assessed on the quality and regularity of participation, not simply its quantity or attendance. Class participation will be assessed on the following criteria:

- **Preparation:** the student demonstrates reading and engagement with the materials, lectures and any other content provided for each week's seminar. Students will volunteer answers to questions; respond to, and participating effectively in, class debates; and ask questions to clarify anything not understood in the readings or lectures;
- **Ability to critically discuss the material:** the student critically discusses the seminar materials and contributes to class discussions in a way that assists the learning of others. This will be demonstrated through the ability to respond to questions, suggest counter-arguments and link readings and lecture materials to class activities, current events, and hypothetical scenarios;
- **Oral expression:** the student verbally expresses their ideas about the materials in a clear, coherent, and concise manner;
- **Engaging with other students:** the student engages with others in the class, displays respect for others' opinions and differences; actively listens, and provides constructive feedback;
- **Collaboration:** the student works collaboratively and productively in small groups,

fosters discussion, shares opinions, and explores and resolves points of consensus and disagreement;

- **Demonstration of skills:** the student demonstrates legal skills taught in the unit, including statutory interpretation, problem solving, oral and written communication skills and general legal reasoning.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Collaborate effectively with other students in group activities including in presentations and class discussions
- Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## Task 3 - Law Reform Submission

Due: **4 November 2016, 11.59 pm**

Weighting: **50%**

Students will be required to write a draft submission to a law reform inquiry for the final assessment of the unit, worth 50% of the final grade. Students will be required to demonstrate their understanding of the law, their ability to critically engage and evaluate existing legal principles, statutory frameworks and broader social contexts, and to propose sound, viable (legally, socially and politically), and reasoned legal and policy reforms.

The topic of the law reform, the terms of references, and advice on how to draft submissions will all be provided on the iLearn site, along with detailed instructions.

All work is to be submitted via Turnitin on iLearn by the due date, and must comply with the instructions found under General Assessment Information. The submission, including footnotes, must be written in accordance with the AGLC 3rd edition. No bibliography is required, as all references must be in footnotes.

The maximum word count for the submission is 2500 words, including substantive comments in footnotes.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## Delivery and Resources

This unit has a blended mode of delivery. It is delivered via a weekly 1.5 hour seminar for internal students, and all students will have access to various online resources, including a weekly lecture available on iLearn. Seminars commence from week 1

In addition to engaging with online resources, external students must attend a compulsory three day on campus session. As class participation will be assessed in this unit, seminar attendance, for both internal and external students, is compulsory. .

Students require access to a computer and a secure and reliable server. All Unit requirements and a weekly teaching and reading schedule are outlined in iLearn.

All assessments are to be submitted electronically via Turnitin.

The required textbook for this unit is: Brown, Farrier, McNamara, Steel, Grewcock, Quilter and Schwartz, *Criminal Laws: Materials and Commentary on Criminal Law and Process in NSW* (The Federation Press, 6th Edition, 2015).

Additional reading will be available via iLearn and e-reserve.

The following books are recommended readings for this unit. All listed materials are available from the Library.

- Penny Crofts, *Criminal Law Elements* (LexisNexis, 5th ed, 2014).
- Simon Bronitt and Bernadette McSherry, *Principles of Criminal Law* (Lawbook, 3rd ed, 2010).
- Jeremy Gans, *Modern Criminal Law of Australia* (Cambridge University Press, 2012).
- Michelle Sanson and Thalia Anthony, *Connecting with Law* (Oxford University Press, 3rd



ed, 2014).

- Michelle Sanson, *Statutory Interpretation* (Oxford University Press, 2012).
- Anthony, T; Crofts, P; Crofts, T; Gray, S; Loughnan, A; Naylor, B, *Waller & Williams Criminal Law: Text and Cases* (LexisNexis, 12th ed, 2013).

## Unit Schedule

1. Introduction to criminal justice: what is crime?
2. Criminal Law problem solving
3. Principles of criminal responsibility
4. Summary offences
5. Homicide: murder and voluntary manslaughter
6. Homicide: involuntary manslaughter; assault causing death
7. Assault
8. Sexual assault
9. Property offences
10. Defences: self defence and duress
11. Defences: mental illness and intoxication
12. Extended criminal liability

## 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)

**New Assessment Policy in effect from Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html). For more information visit [http://students.mq.edu.au/events/2016/07/19/new\\_assessment\\_policy\\_in\\_place\\_from\\_session\\_2/](http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/)

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

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

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.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).

## Macquarie Law School Policy on Assessments

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

## 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://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](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.

## Graduate Capabilities

### 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 outcomes

- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

#### Assessment task

- Task 2: Class Participation

### 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

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios

- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## **Assessment tasks**

- Task 1: Problem solving
- Task 2: Class Participation
- Task 3 - Law Reform Submission

## **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**

- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios

## **Assessment tasks**

- Task 1: Problem solving
- Task 2: Class Participation
- Task 3 - Law Reform Submission

## **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

- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice

## Assessment tasks

- Task 1: Problem solving
- Task 2: Class Participation
- Task 3 - Law Reform Submission

## 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

- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Collaborate effectively with other students in group activities including in presentations and class discussions
- Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## Assessment tasks

- Task 1: Problem solving
- Task 2: Class Participation
- Task 3 - Law Reform Submission

## 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

- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Collaborate effectively with other students in group activities including in presentations and class discussions
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

### Assessment tasks

- Task 2: Class Participation
- Task 3 - Law Reform Submission

## Changes from Previous Offering

A number of changes have been made since the last offering:

- The assessments have changed. There are now two formative problem questions. The other two assessments tasks have been changed to class participation and a law reform submission.
- The learning outcomes have been slightly altered to reflect new assessment regime, and altered structure of the unit.
- The subject no longer covers criminal procedure, as this is taught and assessed elsewhere in the course.

## Changes since First Published

Date	Description
12/07/2016	Updated unit schedule and further detail on assessments