



LAWS250

Crime, Policy and Governance

S2 External 2016

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

Andrew Burke

andrew.burke@mq.edu.au

W3A-514

2-3pm Wednesdays

Credit points

3

Prerequisites

18cp including (LAW109 or LEX101 or LEX102 or PICT101 or PICT103)

Corequisites

Co-badged status

Unit description

This unit will explore the dynamic area of public policy development in relation to crime. It will examine how governance frameworks (including legal and regulatory institutions) endeavour to regulate conduct by individuals and corporations, and how these frameworks aim to promote public interests and community welfare. Students will analyse the impact of various stakeholders in the criminal justice system on policy formulation, including in relation to corporate, environmental and moral crimes. They will be challenged to critically analyse real-world reform initiatives and to appreciate how criminological expertise and modern concepts in governance theory (such as reintegrative shaming, responsive regulation and restorative justice) are articulated in legal and policy-making forums.

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:

Describe and critique how legal institutions and governance frameworks endeavour to regulate the conduct of individuals and corporations in relation to activities that impact on community welfare and the public interest.

Explain the impact of stakeholders on policy development and conduct stakeholder

analysis.

Analyse modern theories of governance (restorative justice, responsive regulation and reintegrative shaming) and their application to public policy development in relation to crime.

Critique current policy initiatives in relation to crime through the application of established theoretical frameworks.

Communicate policy critiques effectively in written and verbal form.

Conduct interdisciplinary research in criminology in the course of developing problem-solving skills, and identify the role played by these disciplines in influencing legal processes and policy-making forums.

General Assessment Information

Macquarie Law School Assessment Policy:

In the absence of a successful application for special consideration following a “Disruption to Studies”, late assessments will not be marked and will receive a grade of 0. In cases where students upload the incorrect document to Turnitin, once the submission deadline has passed then any resubmissions will be treated as late.

Word limits will be strictly applied. There is no leeway to exceed word limits. Word limits do not include footnotes or bibliographies.

Referencing should comply with the Australian Guide to Legal Citation 3rd edition.

All assessments require submission through Turnitin (only).

Assessment Tasks

| Name | Weighting | Due |
|--|-----------|--------------------------|
| <u>Class Participation</u> | 20% | In tutorials each week |
| <u>Theory Essay</u> | 30% | 19 September 2016 9.00am |
| <u>Report</u> | 50% | 13 November 2016 5:00pm |

Class Participation

Due: **In tutorials each week**

Weighting: **20%**

Attendance at the two-day On Campus Session (OCS) is required. Brief readings & discussion questions will be posted to iLearn in advance. Discussions will involve applying the theoretical foundations provided by the lectures and readings to challenging hypothetical scenarios. Marks

will be awarded for: demonstrated understanding of the course theory and themes, creativity and insight in applying that understanding to real-world examples, and enthusiasm.

On successful completion you will be able to:

- Describe and critique how legal institutions and governance frameworks endeavour to regulate the conduct of individuals and corporations in relation to activities that impact on community welfare and the public interest.
- Explain the impact of stakeholders on policy development and conduct stakeholder analysis.
- Analyse modern theories of governance (restorative justice, responsive regulation and reintegrative shaming) and their application to public policy development in relation to crime.
- Critique current policy initiatives in relation to crime through the application of established theoretical frameworks.
- Communicate policy critiques effectively in written and verbal form.

Theory Essay

Due: **19 September 2016 9.00am**

Weighting: **30%**

Students will be required to demonstrate their understanding of the theoretical principles canvassed in the Unit and apply these to recent current events. The essay topic will be posted to iLearn one week prior to the due date. (Word length: 1,500 words excluding bibliography)

On successful completion you will be able to:

- Describe and critique how legal institutions and governance frameworks endeavour to regulate the conduct of individuals and corporations in relation to activities that impact on community welfare and the public interest.
- Explain the impact of stakeholders on policy development and conduct stakeholder analysis.
- Analyse modern theories of governance (restorative justice, responsive regulation and reintegrative shaming) and their application to public policy development in relation to crime.
- Critique current policy initiatives in relation to crime through the application of established theoretical frameworks.
- Communicate policy critiques effectively in written and verbal form.
- Conduct interdisciplinary research in criminology in the course of developing problem-solving skills, and identify the role played by these disciplines in influencing legal

processes and policy-making forums.

Report

Due: **13 November 2016 5:00pm**

Weighting: **50%**

Students will be required to submit a research paper on an assigned topic which consolidates their learning in the unit.

(Word length: 2500 words excluding bibliography)

On successful completion you will be able to:

- Describe and critique how legal institutions and governance frameworks endeavour to regulate the conduct of individuals and corporations in relation to activities that impact on community welfare and the public interest.
- Explain the impact of stakeholders on policy development and conduct stakeholder analysis.
- Analyse modern theories of governance (restorative justice, responsive regulation and reintegrative shaming) and their application to public policy development in relation to crime.
- Critique current policy initiatives in relation to crime through the application of established theoretical frameworks.
- Communicate policy critiques effectively in written and verbal form.
- Conduct interdisciplinary research in criminology in the course of developing problem-solving skills, and identify the role played by these disciplines in influencing legal processes and policy-making forums.

Delivery and Resources

This unit requires students to listen (through Echo360) to a weekly lecture and to attend the OCS.

In addition, students are required to access the Unit's iLearn page to review online content including assigned readings (available through e-reserve linked through iLearn), pre-recorded lecture content (approx. 1 hour/week) and tutorial readings / discussion questions. **Before you listen to the first lecture you should have logged on to iLearn and watched/listened to the assigned pre-recorded content (of approximately 1 hour).**

Student workload, in accordance with university guidelines, is 3 hours per credit point per week (over a 15 week term), and can be estimated as follows:

24 hours - attendance of lectures and tutorials

55 hours - readings, review of online content and self-study

63 hours - assessment tasks

142 hours total

Students will also be required to use a computer to interact with online research databases and web-based research tools. This unit's ilearn page will also contain additional lessons with multimedia content to facilitate learning.

Unit Schedule

| Week | Week Starts | Lectures | Tutorials (OCS discussion topics will correspond to the weekly tutorials) | Assessment (see ilearn for weekly readings & tutorial assignments) |
|------|-------------|---|---|--|
| 1 | 01/08/16 | Introduction to Policy and the Public Interest | | |
| 2 | 8/8/16 | Why do we punish criminal offenders? | Crime, stakeholders and the public interest | |
| 3 | 15/8/16 | Responsive regulation | Responsive regulation and academic honesty | |
| 4 | 22/8/16 | Restorative justice and reintegrative shaming | Restorative justice | |
| 5 | 29/8/16 | Environmental Law | Environmental law and responsive regulation | |
| 6 | 5/9/16 | Drug Court | Drug addiction, crime & policy | |
| 7 | 12/9/16 | Children's Court | Children, criminal responsibility & restorative justice | |
| | 19/9/16 | Mid Semester Break NB: OCS 17th & 18th September | | Essay due 9am Monday 19th September 9am |

| | | | | |
|----|--------------|---|---|---|
| | 26/9/ 16 | Mid Semester Break | | |
| 8 | 3/10/ 16 | Case study: drunk one-punch assaults & lockout laws | Case study: drunk one-punch assaults & lockout laws | |
| 9 | 10/ 10/16 | Hate speech / Free speech | Regulating hate speech | |
| 10 | 17/ 10/16 | Responsive regulation and unruly sports fans | Managing unruly sports fans | |
| 11 | 24/ 10/16 | The limits of restorative justice | Domestic violence | |
| 12 | 31/ 10/16 | The limits of responsive regulation | Are some industries beyond regulation? | |
| 13 | 7/11/ 16 | Regulating non-state actors | Case study: whaling | Final Essay due Sunday 13th November 5pm |

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

New Assessment Policy in effect from Session 2 2016 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/

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

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/

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>.

Macquarie Law School Assessment Policy:

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Word limits will be strictly applied. There is no leeway to exceed word limits. Word limits do not include footnotes or bibliographies.

Referencing should comply with the Australian Guide to Legal Citation 3rd edition.

All assessments require submission through Turnitin (only).

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://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

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:

Assessment task

- Class Participation

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:

Assessment task

- Class Participation

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

- Describe and critique how legal institutions and governance frameworks endeavour to regulate the conduct of individuals and corporations in relation to activities that impact on community welfare and the public interest.
- Explain the impact of stakeholders on policy development and conduct stakeholder analysis.

- Analyse modern theories of governance (restorative justice, responsive regulation and reintegrative shaming) and their application to public policy development in relation to crime.
- Conduct interdisciplinary research in criminology in the course of developing problem-solving skills, and identify the role played by these disciplines in influencing legal processes and policy-making forums.

Assessment tasks

- Class Participation
- Theory Essay
- Report

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

- Describe and critique how legal institutions and governance frameworks endeavour to regulate the conduct of individuals and corporations in relation to activities that impact on community welfare and the public interest.
- Explain the impact of stakeholders on policy development and conduct stakeholder analysis.
- Analyse modern theories of governance (restorative justice, responsive regulation and reintegrative shaming) and their application to public policy development in relation to crime.
- Critique current policy initiatives in relation to crime through the application of established theoretical frameworks.

Assessment tasks

- Class Participation
- Theory Essay
- Report

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

- Explain the impact of stakeholders on policy development and conduct stakeholder analysis.
- Conduct interdisciplinary research in criminology in the course of developing problem-solving skills, and identify the role played by these disciplines in influencing legal processes and policy-making forums.

Assessment tasks

- Class Participation
- Theory Essay
- Report

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 policy critiques effectively in written and verbal form.

Assessment tasks

- Class Participation
- Theory Essay
- Report

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

- Analyse modern theories of governance (restorative justice, responsive regulation and reintegrative shaming) and their application to public policy development in relation to crime.
- Critique current policy initiatives in relation to crime through the application of established theoretical frameworks.

Assessment tasks

- Class Participation
- Theory Essay
- Report

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:

Assessment task

- Class Participation

Changes since First Published

| Date | Description |
|------------|---|
| 25/08/2016 | Correction of errors to assessment dates. |
| 20/07/2016 | Minor amendments to Unit schedule. |