



LAW 115

Foundations of Law

S1 Day 2016

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> | 13 |
| <u>Changes from Previous Offering</u> | 17 |
| <u>Changes since First Published</u> | 17 |

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

Convenor

George Tomossy

george.tomossy@mq.edu.au

Contact via george.tomossy@mq.edu.au

W3A510

Fri 1-2

Co-Convenor

Carlos Bernal-Pulido

carlos.bernal-pulido@mq.edu.au

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

W3A 625

Fri 1-2

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 BSecStudLLB 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 10pm 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.

In cases where students are afforded an opportunity to resubmit an assessment task, they will be required to reflect on and incorporate feedback provided by their tutor. Students may also be directed to undertake supplementary work or access learning supports provided by the University.

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 |
|---|-----------|------------|
| <u>Academic Honesty & Referencing</u> | 10% | Week 3 |
| <u>Core Skills Assessment</u> | 20% | Week 5 |
| <u>Legal Research Quizzes</u> | 10% | Week 6 |
| <u>Hypothetical Problem</u> | 30% | Week 7 |
| <u>Law and Policy Project 1</u> | 20% | Week 8 |
| <u>Law and Policy Project 2</u> | 10% | Weeks 9-13 |

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).

Students must answer all questions correctly and can repeat the quiz until they achieve the required score.

On successful completion you will be able to:

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

Core Skills Assessment

Due: **Week 5**

Weighting: **20%**

This 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
- 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
- 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.

Students will be provided one opportunity to resubmit their work, taking account of feedback provided by their tutor. Resubmissions will be due by the end of Week 9.

On successful completion 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
- 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
- Apply reflective practice to learning as law students and as future legal professionals

Legal Research Quizzes

Due: **Week 6**

Weighting: **10%**

Complete five (5) online quizzes with a minimum grade of 70% on each.

1. The Constitution
2. Case Law
3. Domestic Legislation (NSW)
4. Domestic Legislation (Commonwealth)
5. HANSARD

Students must attempt each quiz by the due date (Week 6), but may reattempt as many times as

often as required to attain the minimum grade. No further attempts may be made after the end of Week 13.

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

Hypothetical Problem

Due: **Week 7**

Weighting: **30%**

In this assignment (1,000 words), students will solve a hypothetical problem in public law. 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.

Students will be provided one opportunity to resubmit their work, taking account of feedback provided by their tutor. Resubmissions will be due by the end of Week 11.

On successful completion 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
- Apply reflective practice to learning as law students and as future legal professionals

Law and Policy Project 1

Due: **Week 8**

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.

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 through online discussion using the Group's allocated online Discussion Forum. Students may wish to include an annotation setting out division of tasks across the team.

Students who fail to contribute meaningfully to the group project may be required to undertake supplementary work or receive a grade of 'unsatisfactory' for this assessment task.

On successful completion you will be able to:

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

Law and Policy Project 2

Due: **Weeks 9-13**

Weighting: **10%**

Each group will be allocated 20 minutes to present their work followed by Q&A with feedback from their tutor. All students in the group will be required to demonstrate their ability to verbally communicate the outcomes of their research. Students who fail to contribute meaningfully to the group project may be required to undertake supplementary work or receive a grade of 'unsatisfactory' for 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:

- 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

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, 2010).

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., 20124).

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; Legal Research |
| 2 | L2 - The Australian Constitution, Democratic Institutions and the Rule of Law | T2 – Statutory Interpretation |
| 3 | L3 – Australian Parliaments, Separation of Powers, Legislative Process and the Executive | T3 – Briefing a Case |
| 4 | Friday 25 March 2016 is a Public Holiday. L4 - "Judicial Reasoning and the Doctrine of Precedent" will be pre-recorded | Friday 25 March 2016 is a public holiday. No tutorials on that day. The tutorials on Monday 21 March 2016 and Tuesday 22 March 2016 will cover: T4/5 – Solving Legal Problems |

| | | |
|---------------------------|--|---|
| 5 | L5 – Project Overview | Monday 28 March 2016 is a public holiday. No tutorials on that day. No tutorials will be held on Tuesday 29 March 2016. The tutorial on Friday 1 April 2016 will cover: T4/5 – Solving Legal Problems |
| 6 | L6 – International Law & Human Rights | T6 – Group Project (start - finalise groups and brainstorm) |
| Mid-Semester Break | | |
| 7 | L7 - Comparative Legal Systems | T7 - Review of foundational skills |
| 8 | L8 - Origins of the Australian Legal System and Indigenous Customary Law | T8 - Group Project (finalise wikis and presentations) |
| 9 | L9 - Legal History and Equity | T9 - Group Presentation - Topic 1 |
| 10 | L10 - Australian Courts | T10 - Group Presentation - Topic 2 |
| 11 | L11 - Tribunals | T11 - Group Presentation - Topic 3 |
| 12 | L12 - Ethics, Professional Practice and Alternative Dispute Resolution | T12 - Group Presentation - Topic 4 |
| 13 | L13 - Conclusion - The Rest of your Law Degree | T13 – Group Presentation - Topic 5 |

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

| | Day 1 | | |
|---------------|---------------------------------------|--|--|
| 9:00 – 10:00 | T1 – Welcome and Overview | | |
| 10:00 – 11:00 | T2 – Academic Honesty and Referencing | | |
| 11:00 – 11:30 | BREAK | | |
| 11:30 – 12:30 | T3 - Legal Research | | |

| | | | |
|---------------|-------------------------------|--|--|
| 12:30 – 13:30 | LUNCH | | |
| 13:30 – 14:30 | T4 – Statutory Interpretation | | |
| 14:30 – 15:00 | BREAK | | |
| 15:00 – 16:00 | T5 – How to Brief a Case | | |
| 16:00 – 17:00 | T6 – Group Project | | |

| | | | |
|---------------|---|--|--|
| | Day 2 | | |
| 9:00 – 10:00 | T7 – Solving Legal Problems | | |
| 10:00 – 11:00 | T8 – Review of Foundational Skills | | |
| 11:00 – 11:30 | BREAK | | |
| 11:30 – 12:30 | T9 – Finalise Group Presentations | | |
| 12:30 – 13:30 | LUNCH | | |
| 13:30 – 15:30 | T10 – Group Presentations, Topics 1,2,3 | | |
| 15:30 – 16:00 | BREAK | | |
| 16:00 – 17:00 | T11 – Group Presentations, Topic 4,5 | | |

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

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.

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:

Learning outcome

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

Assessment tasks

- Law and Policy Project 1
- Law and Policy 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 task

- Academic Honesty & Referencing

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

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
- Legal Research Quizzes
- Hypothetical Problem
- Law and Policy Project 1
- Law and Policy 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

- Core Skills Assessment
- Hypothetical Problem
- Law and Policy Project 1
- Law and Policy 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

- Legal Research Quizzes

- Hypothetical Problem
- Law and Policy Project 1
- Law and Policy 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

- Core Skills Assessment
- Hypothetical Problem
- Law and Policy Project 1
- Law and Policy 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

- Law and Policy Project 1
- Law and Policy 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

- Law and Policy Project 1
- Law and Policy Project 2

Changes from Previous Offering

Reflective Exercise assessment task dropped. Online Research Quizzes assessment task added. Tasks on Statutory Interpretation, Case Briefing and Legal Scholarship combined into a single 'Core Skills' assessment task.

Changes since First Published

| Date | Description |
|----------------|--|
| 21/02/ 2016 | Convenors Adjusted. General Assessment Information and Resubmission instructions clarified |
| 27/01/ 2016 | Minor Adjustments. |
| 27/01/ 2016 | Typographical correction. |