



LAW 115

Foundations of Law

S2 External 2017

Dept of Law

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	8
<u>Unit Schedule</u>	9
<u>Policies and Procedures</u>	9
<u>Graduate Capabilities</u>	11
<u>Changes from Previous Offering</u>	15

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

Zara Bending

zara.bending@mq.edu.au

Contact via zara.bending@mq.edu.au

W3A607

Friday 11-12 or by appointment

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 BMediaLLB 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 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

Apply reflective practice to their learning

General Assessment Information

This unit is graded on a Satisfactory (Pass) or Fail basis. Students who fail to obtain a 'satisfactory' grade on a resubmission of any assessment task will be referred to the unit convenor. The Convenor may direct the tutor to provide a further and final opportunity to the student to resubmit their work based on the Convenor's assessment of the likelihood that a further resubmission will result in a successful outcome (after considering the tutor's evaluation of the student's level of engagement in the unit and feedback provided by the tutor on the assessment in question).

Unless a student has been granted a time extension under the University's Disruption to Studies Policy, any work (including resubmissions) submitted after a prescribed deadline set out in this unit guide will not be graded and will result in a 'Fail' grade being recorded for the unit.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Academic Honesty & Referencing</u>	10%	Yes	20 Aug 2017 10pm
<u>Core Skills Assessment</u>	20%	Yes	3 Sept 2017 10pm
<u>Legal Research Quizzes</u>	10%	Yes	17 Sept 2017 10pm
<u>Hypothetical Problem</u>	30%	Yes	8 Oct 2017 10pm
<u>Law and Policy Reform Wiki</u>	20%	Yes	8 Oct 2017 10pm
<u>Group Presentations</u>	10%	Yes	Weeks 9-13

Academic Honesty & Referencing

Due: **20 Aug 2017 10pm**

Weighting: **10%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 1 consists of two online multiple choice quizzes. Students are required to demonstrate their ability to:

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

Students must attain a score of 100% for both quiz in order to pass this assessment.

Students who have made a serious attempt to complete both quizzes by the due date (but have failed to achieve the required score of 100% for either quiz) may re-attempt each quiz as often as needed to attain the required score of 100% by no later than the end of Week 5.

Students who fail to attain a score of 100% on either quiz by the end of Week 5 will receive a fail grade for the unit.

On successful completion you will be able to:

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

Core Skills Assessment

Due: **3 Sept 2017 10pm**

Weighting: **20%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 2 consists of a short assignment (max 1500, excluding footnotes) submitted online. Students are required to demonstrate their ability 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; and
- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources

Students must attain a grade of 'satisfactory' on each criterion (related to the above learning outcome) set out in the associated marking rubric in order to pass this assessment.

Students who have made a serious attempt to complete the assignment by the due date (but have not attained a 'satisfactory' grade on the required criteria) will be afforded one opportunity to resubmit their work, which will be due by the end of Week 9. Students resubmitting their work will be required to take into account feedback provided by their tutor and to explain in their resubmission how they have incorporated this feedback in order to improve their answer.

Students who have failed to resubmit work at a satisfactory standard (against each criterion set out in the associated marking rubric) by the end of week 9 will receive a fail

grade for the unit.

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
- Apply reflective practice to their learning

Legal Research Quizzes

Due: **17 Sept 2017 10pm**

Weighting: **10%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 3 consists of five (5) online multiple choice quizzes. Students are required to demonstrate their ability to:

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

The five quizzes canvass the following areas:

1. The Australian Constitution
2. Australian Case Law
3. State (New South Wales) Legislation
4. Federal (Commonwealth) Legislation
5. HANSARD

A minimum grade of 70% on each quiz is required to pass this assessment.

Students must make a serious attempt at each complete by the end of Week 7, but may reattempt each quiz as many times as needed to attain the minimum grade of 70% by no later than the end of Week 13.

Students who fail to complete all five online quizzes with a minimum score of 70% by the end of week 13 will receive a fail grade for the unit.

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: **8 Oct 2017 10pm**

Weighting: **30%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 4 consists of a written assignment (1,000 words), submitted online, where students will solve a hypothetical problem. Students will be required to demonstrate their ability 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 to both legal and non-legal audiences; and
- Apply reflective practice to their learning.

Students must attain a grade of 'satisfactory' on each criterion (related to the above learning outcome) set out in the associated marking rubric in order to pass this assessment.

Students who have made a serious attempt to complete the assignment by the due date (but have not attained a 'satisfactory' grade on the required criteria) will be afforded one opportunity to resubmit their work, which will be due by the end of Week 13. Students resubmitting their work will be required to take into account feedback provided by their tutor and to explain in their resubmission how they have incorporated this feedback in order to improve their answer.

Students who have failed to resubmit work at a satisfactory standard (against each criterion set out in the associated marking rubric) by the end of week 13 will receive a fail grade for the unit.

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 to both legal and non-legal audiences
- Apply reflective practice to their learning

Law and Policy Reform Wiki

Due: **8 Oct 2017 10pm**

Weighting: **20%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 5 requires students to work in a team to produce a wiki on the unit iLearn page. Students will publish a written submission (400 words per person, excluding footnotes, headings, tables, images, etc) for their group project. Students will be required to demonstrate their ability to:

- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources;
- Communicate effectively to both legal and non-legal audiences;
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context; and
- Collaborate effectively with other students in a respectful, collegial and inclusive manner.

A wiki must attain a grade of 'satisfactory' on each criterion (related to the above learning outcome) set out in the associated marking rubric. Individual student contributions to the Group Project must be evidenced through posts recorded on the wiki (including submission of original text, editing, revision), through online discussion using the Group's allocated online Discussion Forum and/or clearly identified within the wiki itself (students may wish to include an annotation setting out division of tasks across the team).

Groups who fail to produce a satisfactory wiki (or individual students who fail to contribute meaningfully to their wiki) will be required to undertake supplementary work by the end of Week 13 in order to pass this assessment task.

A student who fails to obtain a grade of 'satisfactory' by the due date and fails to complete required supplementary work by week 13 will receive a Fail grade in the unit.

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 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

Group Presentations

Due: **Weeks 9-13**

Weighting: **10%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 6 involves a group oral presentation and class participation. Each group (from Task 5) will be allocated 20 minutes to present their work (on their wiki) to their tutorial class followed by Q&A with feedback from their tutor. Students will be required to demonstrate their ability to:

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

Students who fail to make a 'satisfactory' contribution to the group presentation may be required to undertake supplementary work.

Each student in the group must also prepare one question that they will pose to each of the other groups in their tutorial, drawing upon the wikis prepared by the other groups. Your tutor will ask one student from the group each week to ask their question. Students who have not prepared a satisfactory question, or who are absent on the day they are called upon to ask a question, may be required to undertake supplementary work.

Any student that is required to undertake supplementary work, but fails to do so at a satisfactory standard, will receive a Fail grade for the unit.

On successful completion you will be able to:

- Communicate effectively 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

Delivery and Resources

Tutorials for Internal Students commence in **Week 1** of semester and conclude in Week 13.

On Campus Intensive sessions for Distance Students will be on two separate (non-consecutive) single days. Both on campus sessions are **compulsory**.

Students should consult the official Timetable for class times, dates and locations at: <http://timetables.mq.edu.au>

Required and recommended texts and/or materials

REQUIRED READING:

Michelle Sanson and Thalia Anthony, *Connecting with the Law* (Oxford University Press, 3th ed,

2010).

Michelle Sanson, *Statutory Interpretation* (Oxford University Press, 2nd ed, 2016).

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

The following topics will be covered in lectures for this unit:

L1 – Welcome and Overview

L2 – Common Law and Equity

L3 – The Australian Constitution and Separation of Powers

L4 – Australian Courts

L5 – Project Overview

L6 – Judicial Reasoning and the Doctrine of Precedent

L7 – International Law & Human Rights

L8 – Origins of the Australian Legal System and Indigenous Customary

L9 – Ethics, Professional Practice and Alternative Dispute Resolution

L10 – Tribunals

L11 – Democratic Institutions, Consultative Law Reform and the Rule of Law

L12 – Public Interest Litigation and Advocacy

L13 – Conclusion - Your Future at Macquarie Law School

Please note that the above schedule is indicative and may be subject to change. The formal lecture schedule and associated readings will be made available on the unit's web page at the start of semester.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy http://mq.edu.au/policy/docs/assessment/policy_2016.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 (in effect until Dec 4th, 2017): http://www.mq.edu.au/policy/docs/disruption_studies/policy.html

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

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 Reform Wiki
- Group Presentations

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 their learning

Assessment tasks

- Academic Honesty & Referencing
- Core Skills Assessment
- Hypothetical Problem

- Law and Policy Reform Wiki
- Group Presentations

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 their learning

Assessment tasks

- Core Skills Assessment
- Hypothetical Problem

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

Assessment tasks

- Academic Honesty & Referencing

- Core Skills Assessment
- Legal Research Quizzes
- Hypothetical Problem
- Law and Policy Reform Wiki

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

Assessment tasks

- Core Skills Assessment
- Hypothetical Problem
- Law and Policy Reform Wiki
- Group Presentations

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

- Core Skills Assessment
- Legal Research Quizzes
- Hypothetical Problem
- Law and Policy Reform Wiki

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 to both legal and non-legal audiences
- Collaborate effectively with other students in a respectful, collegial and inclusive manner

Assessment tasks

- Hypothetical Problem
- Law and Policy Reform Wiki
- Group Presentations

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)
- 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

- Academic Honesty & Referencing
- Core Skills Assessment
- Hypothetical Problem
- Law and Policy Reform Wiki
- Group Presentations

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

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

Assessment tasks

- Law and Policy Reform Wiki
- Group Presentations

Changes from Previous Offering

Word limits clarified for Assessment Tasks 3 & 5. Unit schedule revised.