



# LAWS600

## Foundations of Law

S2 External 2017

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor

Zara Bending

[zara.bending@mq.edu.au](mailto:zara.bending@mq.edu.au)

Contact via [zara.bending@mq.edu.au](mailto:zara.bending@mq.edu.au)

W3A607

Friday (11-12) and by appointment

Tutor

Keith Williams

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TBC

by appointment

Credit points

4

Prerequisites

Admission to JD or GradCertLaw or GradDipLaw

Corequisites

Co-badged status

Unit description

This unit will enable students to attain well-developed cognitive and practical key legal skills (legal research, reasoning, and writing; applying precedent; statutory interpretation; and legal problem solving) and to acquire an advance level of foundational legal knowledge (Australia legal institutions; legal theory; comparative legal systems; parliamentary process; role of the judiciary) necessary for further graduate 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, and apply research skills to legal problem solving and analysis
- Communicate effectively in written form to both legal and non-legal audiences
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
- Apply reflective practice to learning as law students and as future legal professionals

## General Assessment Information

Detailed marking rubrics will be made available on iLearn.

This unit is graded on a Satisfactory (Pass) or Fail basis. Assessment weightings are merely indicative of relative workload.

**In order to pass this unit, each task must be completed at a Satisfactory level.** As such, each assessment Task constitutes a 'hurdle assessment' in accordance with the *Assessment Policy* whereby students demonstrate the required learning outcomes for each in order to pass the unit.

In the case of online quizzes (Tasks 1 and 2, which are graded automatically), student have unlimited attempts to achieve the satisfactory level (100% for Task 1; 60% for each quiz in Task 2). For Tasks 3, 4 and 5, if deemed to be 'satisfactory' by their tutor in accordance with the rubric provided, students who submit a 'serious attempt' at the assignment (as defined in the *Assessment Policy*) will be permitted one further attempt to resubmit their work in order to pass the assessment. Students resubmitting their work are expected to reflect on the feedback provided and indicating explicitly within their resubmitted work how they have taken the feedback on board. Deadlines for resubmissions are indicated under the relevant assessment task unless otherwise indicated by the student's tutor.

Students who fail to submit a serious attempt will be graded as Unsatisfactory for that task and fail the unit.

Students may also be directed to undertake supplementary work or access learning supports provided by the University. Subject to variation by written agreement with their tutor, students have two weeks from receipt of feedback to review, revise and resubmit their work.

Students who fail to obtain a 'satisfactory' grade on a resubmission of any assessment task will be referred to the unit convenor. The Convenor 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 the prescribed deadline will not be graded and result in a 'Fail' grade being recorded for the unit.**

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Academic Honesty &amp; Referencing</a>	5%	Yes	13 Aug 2017 10pm
<a href="#">Legal Research Quizzes</a>	15%	Yes	12 Nov 2017 10pm
<a href="#">Core Skills</a>	30%	Yes	3 Sept 2017 10pm
<a href="#">Hypothetical Problem</a>	20%	Yes	8 Oct 2017 10pm
<a href="#">Law &amp; Policy Reform Project</a>	30%	Yes	5 Nov 2017 10pm

### Academic Honesty & Referencing

Due: **13 Aug 2017 10pm**

Weighting: **5%**

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

**Assessment Task 1** requires students to complete two multiple choice quizzes with a score of 100% to demonstrate:

- Understanding and application of principles of academic honesty; and
- Ability to follow the correct rules for citation (AGLC3).

Students may re-attempt these two quizzes an unlimited number of times, but must complete both successfully by no later than the end of Week 5.

On successful completion you will be able to:

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

### Legal Research Quizzes

Due: **12 Nov 2017 10pm**

Weighting: **15%**

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

**Assessment Task 2** consists of 9 online quizzes on the following topics:

1. The Constitution
2. Commonwealth Legislation
3. NSW Legislation
4. Case Law
5. HANSARD
6. Domestic Legislation (outside NSW)
7. International Law
8. Law Reform Commissions
9. Judicial Commission

Quizzes 1-5 must be attempted before by Week 5 to prepare for Task 3 and quizzes 6-9 must be attempted before Week 8 to prepare for Tasks 4 and 5. **All quizzes must be completed with a minimum score of 60% (each) by the end of Week 13 in order to pass this assessment** and achieve the associated learning outcome. Students may re-attempt these quizzes an unlimited number of times.

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, and apply research skills to legal problem solving and analysis

## Core Skills

Due: **3 Sept 2017 10pm**

Weighting: **30%**

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

**Assessment Task 3** consists of a short written assignment (1,500-2,000 words) to demonstrate the following core skills:

- understanding of principles of statutory interpretation;
- the ability to clearly and concisely summarise a case;
- understanding of the doctrine of precedent;
- the ability to interpret case law and legislation 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 are expected to satisfy each criterion on the associated rubric, which will be provided

on the unit web page, and address any deficiencies by resubmitting their work in accordance with the instructions and deadline prescribed by the Tutor.

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, and apply research skills to legal problem solving and analysis
- Communicate effectively in written form to both legal and non-legal audiences
- Apply reflective practice to learning as law students and as future legal professionals

## Hypothetical Problem

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 4** consists of a short written assignment (1,000 - 1,250 words) where 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 are expected to satisfy each criterion on the associated rubric, which will be provided on the unit web page, and address any deficiencies by resubmitting their work in accordance with the instructions and deadline prescribed by the Tutor.

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, and apply research skills to legal problem solving and analysis
- Communicate effectively in written form to both legal and non-legal audiences
- Apply reflective practice to learning as law students and as future legal professionals

## Law & Policy Reform Project

Due: **5 Nov 2017 10pm**

Weighting: **30%**

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

**Assessment Task 5** is divided into two parts:

Part 1: Students will prepare a written submission (1,200 – 1,500 words) advocating legal and policy reforms drawn from a list of pre-selected current issues. Students will be required to demonstrate:

- the ability to interpret primary and secondary sources for the purpose of deriving and constructing legal rules and principles;
- the ability to engage creatively with contemporary legal problems in their social context and to propose innovative solutions;
- the ability to 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.

Part 2:

Drawing upon their readings from *Laying Down the Law*, students will write a short reflection (500-750 words) in which they consider their own Law and Policy Reform Report and apply relevant sources of legal norms in the Australian legal system (including private and public law, indigenous customary law, international law) to the issues at stake.

Through this assessment task, students will also be required to demonstrate their understanding of the Australian Legal System and Sources of Law (derived from their reading of the course text) and capacity to engage in reflective practice.

Students are expected to satisfy each criterion on the associated rubric, which will be provided on the unit web page, and address any deficiencies by resubmitting their work in accordance with the instructions and deadline prescribed by the Tutor.

On successful completion you will be able to:

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

- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources, and apply research skills to legal problem solving and analysis
- Communicate effectively in written form to both legal and non-legal audiences
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
- Apply reflective practice to learning as law students and as future legal professionals

## Delivery and Resources

### Delivery

This unit has a blended form of delivery and includes online content in lieu of formal lectures. Online content can be accessed at: <http://ilearn.mq.edu.au/>.

Tutorials for internal students occur on an irregular pattern. There will be six two-hour tutorials over the course of the semester. Attendance is not compulsory, but highly recommended.

Distance students have two on campus full-day intensive sessions on non-consecutive dates. The first on campus session is compulsory; the second on campus session is option.

Both Internal and Distance students should consult the official Timetable for class dates, times and locations at: <http://timetables.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.

**Students are required to monitor their official @students.mq.edu.au e-mail address for direct communications by the unit convenor or tutor, and are also required to monitor the Announcements forum on the units online web page.**

### Required and recommended texts and/or materials

#### REQUIRED TEXT:

Catriona Cook et al, *Laying Down the Law* (LexisNexis, 9th ed, 2015).

#### FURTHER 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 Schedule

The Seminars in this Unit will cover the following topics:

1. Academic Honesty and Referencing
2. Statutory Interpretation
3. Case Analysis
4. Legal Problem Solving
5. Legal Research
6. Law and Policy Reform

Further details will be made available on unit's iLearn web page.

## Policies and Procedures

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

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](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](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](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/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://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

### 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 task

- Law & Policy Reform Project

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

### Assessment tasks

- Academic Honesty & Referencing
- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

## Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

### Learning outcome

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

### Assessment tasks

- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

## 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, and apply research skills to legal problem solving and analysis

## **Assessment tasks**

- Academic Honesty & Referencing
- Legal Research Quizzes
- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

## **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

## Assessment tasks

- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

## 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, and apply research skills to legal problem solving and analysis

## Assessment tasks

- Legal Research Quizzes
- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

## 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 written form to both legal and non-legal audiences
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context

## Assessment tasks

- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

## 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 outcome

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

## Assessment tasks

- Academic Honesty & Referencing
- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project