



# LAWS8001

## Foundations of Law

Session 2, Infrequent attendance, North Ryde 2020

*Macquarie Law School*

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#### 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.

#### Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

### Unit convenor and teaching staff

Convenor

Zara Bending

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

Contact via e-mail

6FW 607

Tues 4-5 via Zoom (weeks 1-7, 9-13) or by appointment

### Credit points

10

### Prerequisites

Admission to GradCertLaw or JD

### Corequisites

### Co-badged status

### Unit description

This unit is offered on a pass/fail basis. This unit enables 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 advanced level of foundational legal knowledge (Australian 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:

**ULO1:** Apply principles of statutory interpretation and the doctrine of precedent to interpret and relate primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles.

**ULO2:** Locate relevant primary and secondary sources through legal research using

online databases, library resources and internet sources, and apply research skills to legal analysis.

**ULO3:** Critically analyse contemporary legal problems in their broader social context.

**ULO4:** Identify, describe and relate sources of legal norms and foundational elements of the Australian legal system.

**ULO5:** Recognise, comprehend and apply conventions for legal writing and referencing

## General Assessment Information

*Internal students should refer to Assessment Task deadlines indicated in the 'Special circumstance' version of this unit guide.*

Further instructions for each assessment task are available on the unit's iLearn page.

Students are also advised that:

1. All assessment tasks are due by 10:00 am on the dates indicated for each assessment task.
2. All assessment tasks are due by the first date as noted. The second 'Hurdle' due date corresponds to the deadline for supplementary work that may need to be completed in order to satisfy the learning outcomes associated with each assessment task.
3. All assessment tasks in this unit are 'hurdle requirements' and must be completed at a Satisfactory level (to the standard prescribed for each assessment task) in order to pass this unit.
4. In cases where students fail to complete one assessment task at a Satisfactory level (provided that they have made genuine attempts at both initial and supplementary work on that task), the Convenor may provide one further opportunity to reattempt the task or carry out supplementary work in order to achieve the required learning outcome(s). The Convenor will base this decision on a review of the student's work across the unit in consultation with the student's tutor(s) and/or marker(s).
5. The Faculty of Arts Late Submission Policy requires that: "Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests." Please note that this rule applies to the due date of applicable assessment tasks in this unit; the rule does not apply to a subsequent deadline prescribed for an assessment task for the purpose of completing supplementary work or re-attempts of online quizzes in order to satisfy hurdle

requirements.

6. This unit is ungraded and will not count towards a student's LAWS WAM (Weighted Average Mark in LAWS units). Students will be awarded 'Satisfactory' or 'Fail' at the end of the unit.
7. The timed online quiz in which students demonstrate their understanding of foundational aspects of Australian Law described under the 'Foundations of Law Quiz' assessment task consists of two parts. Part 1 involves a timed multiple choice style quiz that must be completed during the final week of the teaching period. Part 2 involves a verbal quiz conducted remotely (viva voce) that must be completed (at a time of the student's choice from a list of available dates) during the final week of the teaching period or first week of the examination period.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#"><u>Academic Integrity and Referencing Quiz</u></a>	10%	Yes	10/08/20 (hurdle 17/08/20)
<a href="#"><u>Legal Research Quizzes</u></a>	25%	Yes	21/09/20 (hurdle 26/10/20)
<a href="#"><u>Core Skills Assessment</u></a>	30%	Yes	P1:28/9/20 (hurdle 19/10/20); P2:13/11/20 (hurdle 20/11/20)
<a href="#"><u>Reflection on Law</u></a>	20%	Yes	12/10/20 (hurdle 9/11/20)
<a href="#"><u>Foundations of Law Quiz</u></a>	15%	Yes	5/11/20 (hurdle 9/11/20)

### Academic Integrity and Referencing Quiz

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 5 hours

Due: **10/08/20 (hurdle 17/08/20)**

Weighting: **10%**

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

Consists of two online multiple choice quizzes in which students will demonstrate their ability to apply principles of academic integrity and rules for correct legal citation.

On successful completion you will be able to:

- Recognise, comprehend and apply conventions for legal writing and referencing

## Legal Research Quizzes

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 30 hours

Due: **21/09/20 (hurdle 26/10/20)**

Weighting: **25%**

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

Consists of nine (9) online multiple choice quizzes where students will demonstrate their ability to carry out legal research using online databases, library and internet sources.

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 analysis.

## Core Skills Assessment

Assessment Type <sup>1</sup>: Case study/analysis

Indicative Time on Task <sup>2</sup>: 25 hours

Due: **P1:28/9/20 (hurdle 19/10/20); P2:13/11/20 (hurdle 20/11/20)**

Weighting: **30%**

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

Consists of a short assignment (max 2,500 words, excluding footnotes) submitted online in which students will analyse and interpret primary legal sources (case law and legislation) and relate these to foundational concepts. After successfully completing this formative component, foundational knowledge and application of core skills will also be evaluated through a 15-minute oral assessment (in person or remotely).

On successful completion you will be able to:

- Apply principles of statutory interpretation and the doctrine of precedent to interpret and relate 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 analysis.
- Critically analyse contemporary legal problems in their broader social context.
- Identify, describe and relate sources of legal norms and foundational elements of the Australian legal system.

- Recognise, comprehend and apply conventions for legal writing and referencing

## Reflection on Law

Assessment Type <sup>1</sup>: Reflective Writing

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **12/10/20 (hurdle 9/11/20)**

Weighting: **20%**

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

Consists of a written reflection (1,500 words) in which students analyse a media article concerning the effectiveness of Australian legal frameworks in addressing a contemporary legal issue.

On successful completion you will be able to:

- Apply principles of statutory interpretation and the doctrine of precedent to interpret and relate 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 analysis.
- Critically analyse contemporary legal problems in their broader social context.

## Foundations of Law Quiz

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **5/11/20 (hurdle 9/11/20)**

Weighting: **15%**

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

Consists of a timed online quiz in which students demonstrate their understanding of foundational aspects of Australian law, including core concepts in public law.

On successful completion you will be able to:

- Identify, describe and relate sources of legal norms and foundational elements of the Australian legal system.

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this

type of assessment

- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

All Lectures for this unit are pre-recorded and can be accessed via the unit iLearn page.

Subject to any disruption arising from COVID-19 (in which case tutorials may change to online delivery via Zoom), tutorials will be conducted face-to-face at the North Ryde campus over a two-day intensive as scheduled in <http://timetables.mq.edu.au>. An alternative weekly online (via Zoom) option will be made available to students during week 1 to commence in week 2. Further instructions will be provided on the unit's iLearn page.

Online content for this unit can be accessed at <http://ilearn.mq.edu.au>

### Required Textbook:

R. Creyke et al., *Laying Down the Law* (LexisNexis, 10th ed, 2017).

Additional required and recommended reading materials will be posted at the unit's iLearn page.

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

Week #	Topics Covered
1	Foundations of Australian Law; Legal Traditions; Classifications of Law
2	Australian Legal History and Constitution; Separation of Powers
3	Statutory Interpretation; The Legislature and Executive Branches of Government
4	Legal Research
5	Case Law and the Doctrine of Precedent; Equity and the common Law; The Judiciary
6	Case Law and Judicial Reasoning; Analysing Cases; Legal Writing
7	Legal Problem Solving
8	Constitutionalism and Democratic Institutions; Law Reform; Tribunals and Popular Justice
9	The Rule of Law; Australian Human Rights Law

10	Indigenous and Customary Law in Australia
11	Statutory Obligations and Discretion; International Law in Australia
12	Applying Skills to Solving Complex Legal Problems

Further details on lecture topics and tutorial activities can be found on the unit's iLearn page.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## 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)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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.

## Changes from Previous Offering

The assessment design for this unit was revised to remove the Hypothetical Problem assignment. Instead, the Core Skills Assignment now consists of two Parts as set out under the Assessment Information.