LAWS3200

Civil and Criminal Procedure

Session 1, Weekday attendance, North Ryde 2020

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
Andrew Burke
andrew.burke@mq.edu.au
6 First Walk, Room 622
1-2pm Thursdays & 1-2pm Fridays

Credit points
10

Prerequisites
130cp including LAW203 or LAWS2400

Corequisites

Co-badged status

Unit description
This unit examines the principles of civil and criminal procedure in New South Wales. The unit canvasses general principles of civil procedure, such as pre-trial procedures, the nature of adversarial disputation, ethics of practice and a critical evaluation of the administration of justice, as well as select topics in criminal procedure, such as classification of offences, bail and sentencing.

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: Explain and apply the principles and stages of civil and criminal procedure

ULO2: Display elementary legal advocacy skills

ULO3: Apply statutory interpretation to problems of civil and criminal procedural law

ULO4: Communicate an integrated body of procedural law knowledge both orally and in writing

ULO5: Analyse civil and criminal procedural law in its historical, social and legal context

Assessment Tasks

Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult iLearn for revised unit information.

Find out more about the Coronavirus (COVID-19) and potential impacts on staff and students

General Assessment Information

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: the online quizzes and the timed civil procedure hypothetical case task.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit. Any instances of plagiarism will be referred to the Faculty of Arts' Hearings Committee for disciplinary action. This may have adverse consequences for students wishing to be admitted as a solicitor after graduation. Students who are unclear as to the definition of plagiarism should re-read the Academic Integrity Policy (link below in Polices and Procedures).

For the Court Observation Assignment, students are required to complete and submit a Court Attendance Log. Any deliberate inaccuracies in this log will constitute fabrication under the Academic Integrity Policy (link below in Policies and Procedures). Any instances of fabrication will be referred to the Faculty of Arts' Hearings Committee for disciplinary action. This may have adverse consequences for students wishing to be admitted as a solicitor after graduation.

Rubrics will be made available on iLearn. The convenors moderate all assessments. All Fail essays and take-home examinations are double marked.

Delivery and Resources

Coronavirus (COVID-19) Update

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: https://ask.mq.edu.au/account/pub/display/unit_status

There is a weekly 2-hour lecture at 1pm Wednesdays in the T1 Theatre at 10 Hadenfeld Ave.

Weekly tutorials begin in Week 1.

The criminal procedure readings will be available on iLearn. There is no textbook for criminal procedure.

The civil procedure textbook is: Sonya Willis, *Civil Procedure: Law, Principles and Practice* (Palgrave Macmillan Australia, 2012).

Unit Schedule

> **Coronavirus (COVID-19) Update**
>
> The unit schedule/topics and any references to on-campus delivery below may no longer be relevant due to COVID-19. Please consult iLearn for latest details, and check here for updated delivery information: https://ask.mq.edu.au/account/pub/display/unit_status

Week	Lecture Topic
1	Introduction to Civil and Criminal Procedure and Criminal Process I
2	Criminal Process II
3	Police Powers
4	Bail
5	Sentencing I
6	Sentencing II
7	Exploring key themes of civil procedure
8	ADR and case management
9	Commencing proceedings and pleadings
10	Discovery and privilege
11	Other documentary evidence and interlocutory applications
12	Trials, appeals and enforcement

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). 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). 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).

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 or if you are a Global MBA student contact 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) 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

If you are a Global MBA student contact 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/.

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.