



# LAWS8002

## Criminal Justice and Public Policy

Session 2, Special circumstance 2020

*Macquarie Law School*

### Contents

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<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	2
<a href="#"><u>General Assessment Information</u></a>	3
<a href="#"><u>Assessment Tasks</u></a>	3
<a href="#"><u>Delivery and Resources</u></a>	7
<a href="#"><u>Unit Schedule</u></a>	7
<a href="#"><u>Policies and Procedures</u></a>	8

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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

Andrew Burke

[andrew.burke@mq.edu.au](mailto:andrew.burke@mq.edu.au)

Contact via via iLearn

6 First Walk, Room 622

Thursdays 1-2pm

### Credit points

10

### Prerequisites

Admission to GradCertLaw or GradDipLaw or JD

### Corequisites

LAWS600 or LAWS8001

### Co-badged status

### Unit description

This unit aims to develop an advanced understanding of the substantive principles of criminal law, the administration of criminal justice and related public policy dimensions in contemporary Australian society. Students will critically examine principles of criminal responsibility, a range of criminal offences, and aspects of the prosecution and defence of criminal matters. They will carry out an independent piece of research to analyse and evaluate historical, social, political, philosophical and ethical factors that inform policy development in this area, including a current priority area for legal and policy reform.

## 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:** Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice

**ULO2:** Collaborate effectively with other students in group activities including in

presentations and class discussions

**ULO3:** Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice

**ULO4:** Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios

**ULO5:** Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice

**ULO6:** Demonstrate effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences

## 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 – e.g. quizzes, online tests.

Word limits will be strictly applied and work above the word limit will not be marked. Footnotes are only to be used for referencing. Substantive material in footnotes will not be marked.

All assessments in the unit are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit.

All assessments must be appropriately referenced, applying the *Australian Guide to Legal Citation* (4th ed). The Guide is available here <<https://law.unimelb.edu.au/mulr/aglc>>.

Assessments must be submitted in double line spaced text, 12 point, Times New Roman font. Headings and subheadings should be used where appropriate. No bibliographies are required.

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process to establish a common marking standard and all Fail papers are double marked.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Class participation</a>	20%	No	Each week
<a href="#">Early Quiz</a>	10%	No	7am Friday 14th August - 7pm Saturday 15th August
<a href="#">Problem Question 1</a>	30%	No	9:00am Monday 28th September

Name	Weighting	Hurdle	Due
<a href="#">Law Reform Submission</a>	40%	No	11:59pm Friday 6th November
<a href="#">Revision Quiz</a>	0%	Yes	9:00am Monday 9th November - 11:59pm Friday 13th November

## Class participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 3 hours

Due: **Each week**

Weighting: **20%**

Students are required to participate in set activities, including class discussions, opening and closing addresses, law reform proposals, individual and group quizzes, and other set work. Participation requires consistent demonstration of understanding and critical engagement with the required readings. When students are required to participate in group presentation exercises in tutorials, as part of class participation, then these are timed assessments and no late submission will be accepted.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Collaborate effectively with other students in group activities including in presentations and class discussions
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Demonstrate effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences

## Early Quiz

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

Indicative Time on Task <sup>2</sup>: 4 hours

**Due: 7am Friday 14th August - 7pm Saturday 15th August**

**Weighting: 10%**

This formative assessment will test students' understanding of the Principles of Criminal Responsibility, the key content that underpins the remainder of the unit.

The quiz must be completed within one hour of commencement. Students will be presented with 20 questions in a multiple choice format. This is a timed assessment and no late submissions will be accepted.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Collaborate effectively with other students in group activities including in presentations and class discussions

## Problem Question 1

Assessment Type <sup>1</sup>: Professional writing

Indicative Time on Task <sup>2</sup>: 15 hours

**Due: 9:00am Monday 28th September**

**Weighting: 30%**

This problem question will focus on a unit topic to be determined. Students will be presented with a hypothetical factual scenario and are required to apply the principles of criminal responsibility, the relevant offence provisions and common law, and the law of defences to assess the criminal liability of a specific individual.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice

- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Demonstrate effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences

## Law Reform Submission

Assessment Type <sup>1</sup>: Professional writing

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

Due: **11:59pm Friday 6th November**

Weighting: **40%**

Students will be required to write a submission to a hypothetical law reform inquiry. Students will be required to demonstrate their understanding of the law, their ability to critically engage and evaluate existing legal principles, statutory frameworks and broader social contexts, and to propose sound, viable (legally, socially and politically), and reasoned legal and policy reforms.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Demonstrate effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences

## Revision Quiz

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

Indicative Time on Task <sup>2</sup>: 36 hours

Due: **9:00am Monday 9th November - 11:59pm Friday 13th November**

Weighting: **0%**

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

This quiz will cover all of the unit content. Students will be presented with 20 questions from a much larger question bank. Questions will be multiple choice format. The time limit is one hour from when the student commences. The pass mark for this quiz is 75% (that is, minimum 15 correct answers out of 20). It is a hurdle assessment - a student cannot pass the unit without passing this assessment task. Students who do not achieve a 75% pass mark on their first attempt will be allowed a second and, if necessary, third attempt. No more than 3 attempts will be allowed. There is a mandatory minimum 24 hour delay between attempts. All attempts must be made during the 5-day time period that the quiz is open. This is a timed assessment task and late submissions will not be allowed.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios

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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

The required textbook is: Roderick Howe, Paul Sattler and Marissa Hood, *Hayes & Eburn Criminal Law and Procedure in New South Wales* (LexisNexis Butterworths, 6th ed, 2019).

This unit is delivered via weekly online lectures and a weekly tutorial (on-campus or online). Lectures and tutorials both commence in Week 1.

## Unit Schedule

Lecture Schedule

1. Introduction to criminal justice: what is crime?
2. Principles of criminal responsibility
3. Summary offences
4. Murder
5. Voluntary manslaughter
6. Involuntary manslaughter
7. Defences: self-defence, duress, necessity

Mid-semester break

8. Defences: mental illness, intoxication, automatism
9. Assault
10. Property offences
11. Sexual assault
12. Drug offences
13. Extended criminal liability

## 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> 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>) 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](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.