LAWS1300

Criminal Justice

Session 2, Special circumstance 2020

Macquarie Law School

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Disclaimer

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Notice

As part of Phase 3 of our return to campus plan, most units will now run tutorials, seminars and ot her small group learning activities on campus for the second half-year, while keeping an online ver sion available for those students unable to return or those who choose to continue their studies onli ne.

To check the availability of face-to-face and onlin e activities for your unit, please go to timetable vi ewer. To check detailed information on unit asses sments visit your unit's iLearn space or consult yo ur unit convenor.

General Information

Unit convenor and teaching staff Convenor Andrew Burke andrew.burke@mq.edu.au Contact via via iLearn 6 First Walk, Room 622 Thursdays 1-2pm
Credit points 10
Prerequisites LAW115 or LAWS1000
Corequisites
Co-badged status
Unit description This unit aims to develop in students a critical understanding of substantive criminal law - what makes an accused guilty or not guilty of a crime. Students will learn the principles of criminal responsibility and the defences available to an accused, and then apply that knowledge to a range of crimes including murder, assault and property offences. Students are encouraged to consider if the criminal law of NSW is rational, fair and just, and how it has been shaped by historical, social, political and philosophical factors.

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 problem solving methods to criminal justice scenarios

ULO2: Explain general doctrines of criminal responsibility and outline elements of offences and defences in accordance with Priestley requirements for legal practice

ULO3: Research, analyse, synthesise, interpret and derive legal principles from legislation, case law and parliamentary debate governing the administration of criminal

justice

ULO4: Identify how the criminal law of NSW has been shaped by historical, social, political and philosophical factors

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
Class participation	20%	No	Each week
LAWS1000 Skills Revision	20%	No	11:59pm Friday 14th August
Problem Question 1	30%	No	09:00am Monday 14th September
Problem Question 2	30%	No	9:00am Monday 19th October
Revision Quiz	0%	Yes	9:00am Monday 9th November - 11:59pm Friday 13th November

Class participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 2 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:

- Explain general doctrines of criminal responsibility and outline elements of offences and defences in accordance with Priestley requirements for legal practice
- Identify how the criminal law of NSW has been shaped by historical, social, political and philosophical factors

LAWS1000 Skills Revision

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 10 hours
Due: **11:59pm Friday 14th August**
Weighting: **20%**

This formative assessment task asks students to apply the skills learnt in LAWS1000 to criminal law. It will require application of the principles of statutory interpretation, case brief writing and demonstration of other legal skills.

On successful completion you will be able to:

- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios

Problem Question 1

Assessment Type [1]: Professional writing
Indicative Time on Task [2]: 20 hours
Due: **09:00am Monday 14th 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:

- Apply principles of statutory interpretation and problem solving methods to criminal

justice scenarios
- Explain general doctrines of criminal responsibility and outline elements of offences and defences in accordance with Priestley requirements for legal practice
- Research, analyse, synthesise, interpret and derive legal principles from legislation, case law and parliamentary debate governing the administration of criminal justice

Problem Question 2

Assessment Type [1]: Professional writing
Indicative Time on Task [2]: 20 hours
Due: **9:00am Monday 19th October**
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:

- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Explain general doctrines of criminal responsibility and outline elements of offences and defences in accordance with Priestley requirements for legal practice
- Research, analyse, synthesise, interpret and derive legal principles from legislation, case law and parliamentary debate governing the administration of criminal justice

Revision Quiz

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 40 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 content across all weeks of this unit. 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:

- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Explain general doctrines of criminal responsibility and outline elements of offences and defences in accordance with Priestley requirements for legal practice
- Research, analyse, synthesise, interpret and derive legal principles from legislation, case law and parliamentary debate governing the administration of criminal justice

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[1] 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.

[2] 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). 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.

Changes since First Published

Date	Description
04/09/2020	Change of date for the deadline for Problem Question 1 from 11:59pm on Friday 11th September to 9:00am on Monday 14th September.