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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

Some on-campus classes have moved online for the first two weeks of Session, before returning to campus in Week 3. If you are studying a unit outside of the primary Session 2 timetable, please contact your teaching staff team for further details.

Some classes/teaching activities cannot be moved online and must be taught on campus. To find out if you are enrolled in one of these classes/teaching activities, you can check to see if your unit is on the list of units with mandatory on-campus classes/teaching activities.

Your Unit Convenor will provide more information via an iLearn announcement when your iLearn unit becomes available.
**General Information**

Unit convenor and teaching staff
Convenor
Andrew Burke
Message via iLearn
Room 622, 6 First Walk
2-3pm Tuesday either in person or on Zoom
Tutor
Amanda Elton
Tutor
Keith Williams
Tutor
Catherine Greentree
Tutor
Paul Maluga

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://students.mq.edu.au/important-dates](https://students.mq.edu.au/important-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 – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Hurdle</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class participation</td>
<td>20%</td>
<td>No</td>
<td>Ongoing</td>
</tr>
<tr>
<td>LAWS1000 Skills</td>
<td>20%</td>
<td>No</td>
<td>23:59 Friday 13/08/2021</td>
</tr>
<tr>
<td>Revision</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Problem Question 1</td>
<td>30%</td>
<td>No</td>
<td>09:00 Monday 27/09/2021</td>
</tr>
<tr>
<td>Name</td>
<td>Weighting</td>
<td>Hurdle</td>
<td>Due</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------</td>
<td>--------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Problem Question 2</td>
<td>30%</td>
<td>No</td>
<td>23:59 Friday 29/10/2021</td>
</tr>
<tr>
<td>Revision Quiz</td>
<td>0%</td>
<td>Yes</td>
<td>09:00 Thursday 04/11/2021 - 23:59 Monday 08/11/2021</td>
</tr>
</tbody>
</table>

**Class participation**

Assessment Type ¹: Participatory task  
Indicative Time on Task ²: 2 hours  
Due: **Ongoing**  
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: **23:59 Friday 13/08/2021**  
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
• Research, analyse, synthesise, interpret and derive legal principles from legislation, case law and parliamentary debate governing the administration of criminal justice

Problem Question 1
Assessment Type 1: Professional writing
Indicative Time on Task 2: 20 hours
Due: 09:00 Monday 27/09/2021
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:
• 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: 23:59 Friday 29/10/2021
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:
• Explain general doctrines of criminal responsibility and outline elements of offences and defences in accordance with Priestley requirements for legal practice
Revision Quiz

Assessment Type 1: Quiz/Test
Indicative Time on Task 2: 40 hours
Due: 09:00 Thursday 04/11/2021 - 23:59 Monday 08/11/2021
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:

- 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

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 Learning Skills Unit 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

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/admin/other-resources/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 Enquiry Service**

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

**Equity 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.
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.