



# LAWS8013

## Civil and Criminal Procedure

Session 1, Special circumstances 2021

*Macquarie Law School*

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#### **Notice**

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

To check the availability of face-to-face 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 Sonya Willis Contact via iLearn
Credit points 10
Prerequisites (LAWS802 or LAWS8002) and (LAWS803 or LAWS8030) and (LAWS806 or LAWS8006)
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, the nature of adversarial disputation, case management, pre-litigation issues and protocols, and pre-trial procedures of originating process, gathering of evidence for trial, class actions and the conduct and disposal of civil proceedings. Select topics in criminal procedure, such as classification of offences, police powers and bail, the conduct of criminal trials and sentencing will be covered. Themes of the unit concern procedural fairness, access to justice and the balance between efficiency and individual rights.

## 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, apply and critique the principles and stages of civil and criminal procedure
- ULO2:** Display 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

## General Assessment Information

### Late Submission Penalty

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.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Class Presentation</a>	20%	No	Twice in tutorial on nominated Weeks
<a href="#">Quizzes</a>	30%	No	Q1:Wk3,Q2:Wk4,Q3:Wk5,Q4:Wk7,Q5:Wk9,Q6:Wk10,Q7:Wk11,Q8:Wk12
<a href="#">Procedural fairness in criminal procedure</a>	25%	No	Tuesday, 27 April 2021, 9:00am
<a href="#">Timed Civil Procedure Hypothetical Case Task</a>	25%	No	Thursday, 10 June 2021, 1:00pm

## Class Presentation

Assessment Type <sup>1</sup>: Presentation

Indicative Time on Task <sup>2</sup>: 12 hours

Due: **Twice in tutorial on nominated Weeks**

Weighting: **20%**

Students must contribute in class through on-call presentations and contributions across the semester

On successful completion you will be able to:

- Explain, apply and critique the principles and stages of civil and criminal procedure
- Display legal advocacy skills
- Apply statutory interpretation to problems of civil and criminal procedural law
- Communicate an integrated body of procedural law knowledge both orally and in writing

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

## Quizzes

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

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

Due: **Q1:Wk3,Q2:Wk4,Q3:Wk5,Q4:Wk7,Q5:Wk9,Q6:Wk10,Q7:Wk11,Q8:Wk13**

Weighting: **30%**

There will be a number of low-value quizzes across semester on both civil and criminal procedure topics.

On successful completion you will be able to:

- Explain, apply and critique the principles and stages of civil and criminal procedure
- Apply statutory interpretation to problems of civil and criminal procedural law
- Analyse civil and criminal procedural law in its historical, social and legal context

## Procedural fairness in criminal procedure

Assessment Type <sup>1</sup>: Report

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

Due: **Tuesday, 27 April 2021, 9:00am**

Weighting: **25%**

Students are required to consider procedural fairness in the context of New South Wales criminal courts. This may involve court observation. Findings are to be critically assessed drawing on literature provided in readings and independent research.

On successful completion you will be able to:

- Explain, apply and critique the principles and stages of civil and criminal procedure
- Display legal advocacy skills
- Apply statutory interpretation to problems of civil and criminal procedural law
- Analyse civil and criminal procedural law in its historical, social and legal context

## Timed Civil Procedure Hypothetical Case Task

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

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

Due: **Thursday, 10 June 2021, 1:00pm**

Weighting: **25%**

Problem-based scenario requiring students to demonstrate professional writing skills in a number of civil procedure tasks which would be performed by lawyers in practice.

On successful completion you will be able to:

- Explain, apply and critique the principles and stages of civil and criminal procedure
  - Apply statutory interpretation to problems of civil and criminal procedural law
  - Communicate an integrated body of procedural law knowledge both orally and in writing
  - Analyse civil and criminal procedural law in its historical, social and legal context
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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

There is a weekly 2-hour online lecture commencing Week 1.

Tutorials begin in Week 1 (for internal students).

The readings will be available on iLearn. There is no textbook for Civil and Criminal Procedure.

Students looking for a textbook which covers the key topics addressed in the civil procedure aspect of this Unit may wish to acquire: Sonya Willis, *Civil Procedure: Law, Principles and Practice* (Palgrave Macmillan Australia, 2012) although this text is somewhat out of date.

## Unit Schedule

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

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## 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](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](https://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.