LAWS3200
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
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://students.mq.edu.au/important-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

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Hurdle</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Presentation</td>
<td>20%</td>
<td>No</td>
<td>Twice in tutorial on nominated Weeks</td>
</tr>
<tr>
<td>Quizzes</td>
<td>30%</td>
<td>No</td>
<td>Q1:Wk3,Q2:Wk4,Q3:Wk5,Q4:Wk7,Q5:Wk9,Q6:Wk10,Q7:Wk11,Q8:Wk13</td>
</tr>
<tr>
<td>Procedural fairness in criminal procedure</td>
<td>25%</td>
<td>No</td>
<td>Tuesday, 27 April 2021, 9:00am</td>
</tr>
<tr>
<td>Timed Civil Procedure Hypothetical Case Task</td>
<td>25%</td>
<td>No</td>
<td>Thursday, 10 June 2021, 1:00pm</td>
</tr>
</tbody>
</table>

Class Presentation

Assessment Type 1: Presentation
Indicative Time on Task 2: 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 and apply the principles and stages of civil and criminal procedure
- Display elementary 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

Quizzes

Assessment Type 1: Quiz/Test
Indicative Time on Task 2: 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 and apply 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 1: Report
Indicative Time on Task 2: 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 and apply the principles and stages of civil and criminal procedure
  • Display elementary 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 1: Professional writing
Indicative Time on Task 2: 20 hours
Due: Thursday, 10 June 2021, 1:00pm
Weighting: 25%

Problem-based scenario requiring students to undertake a variety of civil procedure writing tasks which would be performed by lawyers in practice.

On successful completion you will be able to:
  • Explain and apply the principles and stages of civil and criminal procedure
  • Display elementary 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

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
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

<table>
<thead>
<tr>
<th>Week</th>
<th>Lecture Topic</th>
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<tbody>
<tr>
<td>1</td>
<td>Introduction to Civil and Criminal Procedure and Criminal Process I</td>
</tr>
<tr>
<td>2</td>
<td>Criminal Process II</td>
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<tr>
<td>3</td>
<td>Police Powers</td>
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<tr>
<td>4</td>
<td>Bail</td>
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<tr>
<td>5</td>
<td>Sentencing I</td>
</tr>
<tr>
<td>6</td>
<td>Sentencing II</td>
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<tr>
<td>7</td>
<td>Exploring key themes of civil procedure</td>
</tr>
<tr>
<td>8</td>
<td>ADR and case management</td>
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<tr>
<td>9</td>
<td>Commencing proceedings and pleadings</td>
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<tr>
<td>10</td>
<td>Discovery and privilege</td>
</tr>
<tr>
<td>11</td>
<td>Other documentary evidence and interlocutory applications</td>
</tr>
<tr>
<td>12</td>
<td>Trials, appeals and enforcement</td>
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Policies and Procedures
Macquarie University policies and procedures are accessible from [Policy Central](https://staff.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 (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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

**Equity Support**

Students with a disability are encouraged to contact the [Disability Service](mailto:disability.service@mq.edu.au) 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/](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](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

The policy applies to all who connect to the MQ network including students.