



LAWS8002

Criminal Justice and Public Policy

Session 2, In person-scheduled-weekday, North Ryde 2022

Macquarie Law School

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General Information

Unit convenor and teaching staff

Convenor

Andrew Burke

andrew.burke@mq.edu.au

Contact via iLearn

6 First Walk Room 622

Wednesday 11am-1pm either in my office or via Zoom

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

Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, **a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted**, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). **Late submission of time sensitive tasks** (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) **will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.**

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class participation</u>	20%	No	Ongoing in tutorials
<u>Early Quiz</u>	10%	No	Week 3
<u>Problem Question 1</u>	30%	No	23:55 Monday 26 September
<u>Law Reform Submission</u>	40%	No	23:55 Friday 4th November
<u>Revision Quiz</u>	0%	Yes	09:00 Tuesday 8th - 17:00 Saturday 12th November

Class participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 3 hours

Due: **Ongoing in tutorials**

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 ¹: Quiz/Test

Indicative Time on Task ²: 4 hours

Due: **Week 3**

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 ¹: Professional writing

Indicative Time on Task ²: 15 hours

Due: **23:55 Monday 26 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
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Law Reform Submission

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 20 hours

Due: **23:55 Friday 4th 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 ¹: Quiz/Test

Indicative Time on Task ²: 36 hours

Due: **09:00 Tuesday 8th - 17:00 Saturday 12th 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

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).

For students attending campus, this unit is delivered via weekly online lectures and a weekly on-campus tutorial. Lectures and tutorials both commence in Week 1.

For distance students, this unit is delivered via weekly online lectures and a fortnightly weekly online tutorial of two hours duration. Lectures commence Week 1. Tutorials commence either Week 2 or Week 3. See iLearn for tutorial schedules.

Unit Schedule

Week 1: Introduction to criminal justice - what is crime?

Week 2: Principles of criminal responsibility

Week 3: Murder

Week 4: Involuntary manslaughter

Week 5: Voluntary manslaughter

Week 6: Assault

Week 7: Defences I

Week 8: Defences II

Week 9: Summary offences

Week 10: Property offences

Week 11: Sexual assault

Week 12: Extended criminal liability

Week 13: Drug offences

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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support](#) including information about finances, tenancy and legal issues

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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.