# LAWS8001

## Foundations of Law

Session 1, In person-scheduled-weekday, North Ryde 2022

*Macquarie Law School*

# Contents

**Disclaimer**

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# General Information

Unit convenor and teaching staff
Convenor
Mareike Riedel
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Credit points
10

Prerequisites
Admission to GradCertLaw or JD

Corequisites

Co-badged status

Unit description
This unit is offered on a pass/fail basis. This unit enables students to attain well-developed cognitive and practical key legal skills (legal reasoning, case analysis and statutory interpretation) and to acquire an advanced level of foundational legal knowledge (Australian legal institutions; legal theory; comparative legal systems; parliamentary process; role of the judiciary) necessary for further graduate study in law. Students will also engage in reflective practice.

## 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:** Recognise, comprehend and apply conventions for legal writing and referencing

**ULO2:** Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources, and apply research skills to legal analysis.

**ULO3:** Apply principles of statutory interpretation and the doctrine of precedent to interpret and relate primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles.

**ULO4:** Apply principles of reflective practice.

**ULO5:** Identify, describe and relate sources of legal norms and foundational elements of the Australian legal system.

# General Assessment Information

Further instructions for each assessment task are available on the unit's iLearn page.

Students are advised that all assessments in this unit are 'hurdle' assessments, which means that each assessment task must be completed at a Satisfactory level (to the standard prescribed for each assessment task) in order to pass this unit as follows:

- Quizzes for Task 1 must achieve a score of 100% correct.
- All criteria set out in the grading rubric for Task 2 (Core Skills Assignment), Task 3 (Reflection on Law) and Task 5 (viva) must be ticked off as Satisfactory.
- The online Foundations of Law Quiz (Task 4) must achieve a minimum score of 75% correct.

The deadline for submission of supplementary work where students have failed to demonstrate learning outcomes to achieve a hurdle requirement will be one week following the above deadline for online quizzes (Tasks 1 & 4) and viva (Task 5); and two weeks from the return of written work (Tasks 2 & 3).

In cases where students fail to complete <u>one</u> assessment task at a Satisfactory level (provided that they have made genuine attempts at <u>both</u> initial and supplementary work on that task), the Convenor <u>may</u> provide one further opportunity to reattempt the task or carry out supplementary work in order to achieve the required learning outcome(s). The Convenor will base this decision on a review of the student's work across the unit in consultation with the student's tutor(s) and/or marker(s).

The Faculty of Arts Late Submission Policy requires that: "Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven (7) days (incl. weekends) after the original submission deadline." No late submissions will be accepted for timed assessments – e.g. quizzes, online tests. Please note that this rule applies to the <u>due date</u> of applicable assessment tasks in this unit; the rule does not apply to a subsequent deadline prescribed for an assessment task for the purpose of completing supplementary work or re-attempts of online quizzes in order to satisfy hurdle requirements.

This unit is ungraded and will not count towards a student's LAWS WAM (Weighted Average Mark in LAWS units) . Students will be awarded 'Satisfactory' or 'Fail' at the end of the unit.

# Assessment Tasks

| Name | Weighting | Hurdle | Due |
| --- | --- | --- | --- |
| Academic Integrity and Referencing Quiz | 10% | Yes | 07/03/2022 10AM |
| Core Skills Assessment | 40% | Yes | 04/04/2022 10AM |
| Reflection on Law | 20% | Yes | 02/05/2022 10AM |
| Foundations of Law Quiz | 10% | Yes | Open 23/05/2022; close 06/06/2022 |
| Foundations of Law Viva | 20% | Yes | Between 30/05/2022 and 12/06/2022 |

## Academic Integrity and Referencing Quiz

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 5 hours
Due: **07/03/2022 10AM**
Weighting: **10%**
**This is a hurdle assessment task (see assessment policy for more information on hurdle assessment tasks)**

Consists of two online multiple choice quizzes in which students will demonstrate their ability to apply principles of academic integrity and rules for correct legal citation.

On successful completion you will be able to:
• Recognise, comprehend and apply conventions for legal writing and referencing

## Core Skills Assessment

Assessment Type [1]: Case study/analysis
Indicative Time on Task [2]: 25 hours
Due: **04/04/2022 10AM**
Weighting: **40%**
**This is a hurdle assessment task (see assessment policy for more information on hurdle assessment tasks)**

Consists of a short assignment (max 2,500 words, excluding footnotes) submitted online in which

students will analyse and interpret primary legal sources (case law and legislation) and relate these to foundational concepts.

On successful completion you will be able to:
- Recognise, comprehend and apply conventions for legal writing and referencing
- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources, and apply research skills to legal analysis.
- Apply principles of statutory interpretation and the doctrine of precedent to interpret and relate primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles.

# Reflection on Law

Assessment Type [1]: Reflective Writing
Indicative Time on Task [2]: 14 hours
Due: **02/05/2022 10AM**
Weighting: **20%**
**This is a hurdle assessment task (see assessment policy for more information on hurdle assessment tasks)**

Consists of a written reflection (max. 1,500 words) in which students analyse a media article concerning the effectiveness of Australian legal frameworks in addressing a contemporary legal issue.

On successful completion you will be able to:
- Apply principles of reflective practice.

# Foundations of Law Quiz

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 10 hours
Due: **Open 23/05/2022; close 06/06/2022**
Weighting: **10%**
**This is a hurdle assessment task (see assessment policy for more information on hurdle assessment tasks)**

Students must complete a timed online quiz to demonstrate understanding of foundational

aspects of Australian law, including core concepts in public law.

On successful completion you will be able to:

- Identify, describe and relate sources of legal norms and foundational elements of the Australian legal system.

## Foundations of Law Viva

Assessment Type [1]: Viva/oral examination
Indicative Time on Task [2]: 14 hours
Due: **Between 30/05/2022 and 12/06/2022**
Weighting: **20%**
**This is a hurdle assessment task (see assessment policy for more information on hurdle assessment tasks)**

Student understanding of fundamental principles of Australian law will be evaluated through a 15-minute oral assessment (in person or remotely).

On successful completion you will be able to:

- Identify, describe and relate sources of legal norms and foundational elements of the Australian legal system.

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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

All Lectures for this unit are pre-recorded and can be accessed via the unit iLearn page at http://ilearn.mq.edu.au

Internal students will have weekly 1-hour face-to-face tutorials commencing in **Week 1** and concluding in **Week 12**. Students should consult the official Timetable for class times, dates and locations at: http://timetables.mq.edu.au

External students will have fortnightly webinars conducted via Zoom. Zoom access details will be

provided on the unit's iLearn page.

Internal students affected by COVID (i.e., stay-at home orders) are welcome to access the scheduled webinars in lieu of their internal tutorial.

All students will have access to lectures, learning activities and resources via the unit iLearn page to work through on a week-to-week basis.

**Required Textbook:**

R. Creyke et al., *Laying Down the Law* (LexisNexis, 11th ed, 2021).

Additional required and recommended reading materials will be posted at the unit's iLearn page.

Computer and Internet access are **required** in order to successfully complete this unit. Basic computer skills (e.g., internet browsing) and skills in word processing are also a requirement.

# Unit Schedule

| Topic # | Topics Covered |
| --- | --- |
| 1 | Foundations of Australian Law; Legal Traditions; Classifications of Law; Equity and the Common Law |
| 2 | Australian Legal History and Constitution; Separation of Powers |
| 3 | Statutory Interpretation; The Legislature and Executive Branches of Government |
| 4 | Case Law and the Doctrine of Precedent; The Judiciary |
| 5 | Case Law and Judicial Reasoning; Analysing Cases; Legal Writing |
| 6 | Legal Problem Solving |
| 7 | Constitutionalism and Democratic Institutions; Law Reform; Tribunals and Popular Justice |
| 8 | The Rule of Law; Australian Human Rights Law |
| 9 | Indigenous and Customary Law in Australia |
| 10 | Statutory Obligations and Discretion; International Law in Australia |
| 11 | Applying Skills to Solving Complex Legal Problems |
| 12 | Advocacy |

Further details can be found on the unit's iLearn page.

# Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://policie

s.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). 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) 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.