



# LAWS1300

## Criminal Justice

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

*Macquarie Law School*

## Contents

|                                       |   |
|---------------------------------------|---|
| <u>General Information</u>            | 2 |
| <u>Learning Outcomes</u>              | 2 |
| <u>General Assessment Information</u> | 3 |
| <u>Assessment Tasks</u>               | 3 |
| <u>Delivery and Resources</u>         | 7 |
| <u>Unit Schedule</u>                  | 7 |
| <u>Policies and Procedures</u>        | 7 |

### Disclaimer

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## General Information

Unit convenor and teaching staff

Convenor

Daley Birkett

[daley.birkett@mq.edu.au](mailto:daley.birkett@mq.edu.au)

Contact via iLearn

6 First Walk, Room 432

Thursday 1pm-2pm (either in my office or via Zoom)

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://www.mq.edu.au/study/calendar-of-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

### 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-time-sensitive assessment (including 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.

### Submission Instructions

Students should carefully check that they submit the correct file for an assessment as no resubmissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

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

| Name                                     | Weighting | Hurdle | Due                     |
|--|-----------|--------|-------------------------|
| <a href="#">Class participation</a>      | 20%       | No     | Ongoing in tutorials    |
| <a href="#">LAWS1000 Skills Revision</a> | 20%       | No     | 23:55 Friday 12/08/2022 |

| Name                               | Weighting | Hurdle | Due   |
|------------------------------------|-----------|--------|---|
| <a href="#">Problem Question 1</a> | 30%       | No     | 23:55 Monday 26/09/2022                             |
| <a href="#">Problem Question 2</a> | 30%       | No     | 23:55 Friday 28/10/2022                             |
| <a href="#">Revision Quiz</a>      | 0%        | Yes    | 09:00 Thursday 03/11/2022 - 23:55 Monday 07/11/2022 |

## Class participation

Assessment Type <sup>1</sup>: Participatory task

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

- 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 <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **23:55 Friday 12/08/2022**

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 <sup>1</sup>: Professional writing

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

Due: **23:55 Monday 26/09/2022**

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 <sup>1</sup>: Professional writing

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

Due: **23:55 Friday 28/10/2022**

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

## Revision Quiz

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

Indicative Time on Task <sup>2</sup>: 40 hours

Due: **09:00 Thursday 03/11/2022 - 23:55 Monday 07/11/2022**

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

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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

The required textbook is: Roderick Howie, Paul Sattler and Marissa Hood, *Hayes & Eburn Criminal Law and Procedure in New South Wales* (LexisNexis Butterworths, 6th ed, 2019).

This unit is delivered via weekly lectures (delivered on-campus and made available online) and a weekly tutorial (on-campus or online). Please note that both lectures and tutorials commence in Week 1.

## 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.s.mq.edu.au) (<https://policies.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) (<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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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.