LAWS3200

Civil and Criminal Procedure

Session 1, Online-scheduled-weekday 2023

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
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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://www.mq.edu.au/study/calendar-of-dates

Learning Outcomes

On successful completion of this unit, you will be able to:

ULO2: Display elementary legal advocacy skills

ULO1: Explain and apply the principles and stages of civil and criminal procedure

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 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
Procedural fairness in criminal procedure	25%	No	4 June 2023, 11:55pm
Timed Civil Procedure Hypothetical Case Task	25%	No	6 May 2023, 1:00pm
Quizzes	30%	No	Weeks 3, 5, 7, 8, 10, 11, 12, 13
Class Presentation	20%	No	Week 1 to 13 (including 2 on calls)

Procedural fairness in criminal procedure

Assessment Type [1]: Report
Indicative Time on Task [2]: 20 hours
Due: **4 June 2023, 11:55pm**
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:
- Display elementary legal advocacy skills
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- 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: **6 May 2023, 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:

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- 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 [1]: Quiz/Test
Indicative Time on Task [2]: 20 hours
Due: **Weeks 3, 5, 7, 8, 10, 11, 12, 13**
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

Class Presentation

Assessment Type [1]: Presentation
Indicative Time on Task [2]: 12 hours
Due: **Week 1 to 13 (including 2 on calls)**
Weighting: **20%**

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

On successful completion you will be able to:

- Display elementary legal advocacy skills

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- Apply statutory interpretation to problems of civil and criminal procedural law

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

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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

Delivery:

Weekly lecture (2 hours - live and recorded) and weekly tutorial (1 hour live).

Lectures and tutorials both commence in Week 1.

Resources:

Civil Procedure: Sonya Willis *Civil Dispute Resolution: Balancing Themes and Theory* CUP 2022.

Criminal Procedure: Howie, Sattler and Hood *Hayes & Eburn Criminal Law and Procedure in NSW* LexisNexis 2023 [Students who already own Ed 6 of this text from Criminal Law are not required to purchase Ed 7]

[Refer to iLearn for detailed information on delivery and resources]

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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). 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 Advocacy provides independent advice on MQ policies, procedures, and processes

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.