LAW 115
Foundations of Law
S1 Day 2015
Dept of Law

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# General Information

**Unit convenor and teaching staff**  
Unit Convenor  
Carlos Bernal-Pulido  
[carlos.bernal-pulido@mq.edu.au](mailto:carlos.bernal-pulido@mq.edu.au)  
Contact via carlos.bernal-pulido@mq.edu.au  
W3A 625  
Mon 2-4

Co-Convenor  
George Tomossy  
[george.tomossy@mq.edu.au](mailto:george.tomossy@mq.edu.au)  
Contact via george.tomossy@mq.edu.au  
W3A510  
Tues 1-3

**Credit points**  
3

**Prerequisites**  
(Admission to LLB or BAppFinLLB or BALLB or BA-MediaLLB or BA-PsychLLB or BBALLB or BComLLB or BCom-ProfAccgLLB or BEnvLLB or BITLLB or BIntStudLLB or BPsych(Hons)LLB or BScLLB or BSocScLLB) or (admission to the pre-law pathway)

**Corequisites**

**Co-badged status**

**Unit description**

This unit will enable students to attain the key legal skills (legal research, reasoning, and writing; applying precedent; statutory interpretation; and legal problem solving) and to acquire the foundational legal knowledge (Australia legal institutions; legal theory; comparative legal systems; parliamentary process; role of the judiciary) necessary for further study in law. This unit will challenge students to apply their skills and knowledge to examine a contemporary socio-legal issue through a collaborative group project. Students will also engage in reflective practice.

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## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at [https://students.mq.edu.au/important-dates](https://students.mq.edu.au/important-dates)
Learning Outcomes

1. Apply principles of academic honesty and rules for correct legal citation (AGLC3)
2. Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles
3. Analyse factual problem scenarios and prepare a structured response using the HIRAC framework for legal problem solving
4. Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources
5. Communicate effectively in both oral and written form to both legal and non-legal audiences
6. Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
7. Collaborate effectively with other students in a respectful, collegial and inclusive manner
8. Identify and explain the broader philosophical, ethical and socio-political context of legal issues and problems
9. Define, describe and relate sources of legal norms in the Australian legal system (including private and public law, indigenous customary law, international law) and other legal systems in the world
10. Apply reflective practice to learning as law students and as future legal professionals

General Assessment Information

Unless otherwise noted or instructed by the Unit Convenor or your tutor, Assessment Tasks are due by 3pm on the Friday of the Week indicated.

This unit is graded on a Satisfactory (Pass) or Fail basis.

Each assessment task must be submitted by the due date indicated on the unit iLearn page (or otherwise directed by their tutor) and must receive a grade of 'satisfactory' in accordance with the rubric provided for that assessment in order to pass the unit.

Students will be afforded an opportunity to resubmit any assessment task that is not deemed to be 'satisfactory' by their tutor. In such cases, students will be required to reflect on and incorporate feedback provided by their tutor on the assessment task into their resubmission. Students may also be directed to undertake supplementary work or access learning supports provided by the University. Students must comply with deadlines for resubmission provided by their tutor. Subject to variation by written agreement with their tutor, students have one week from receipt of feedback to review, revise and resubmit their work.

Students who fail to obtain a 'satisfactory' grade on a resubmission of any assessment task will
be referred to the unit convenor. The Convenor will, at this point, either:

- direct the tutor to provide a further and final opportunity to resubmit their work (depending on the demonstrated level of engagement of the student with the assessment task, feedback provided by the tutor and likelihood that a further resubmission will result in a successful outcome for the assessment task); or
- enter a 'Fail' grade for the Unit.

Unless a student has been granted a time extension under the University's Disruption to Studies Policy, any work (including resubmissions) submitted after the commencement of the formal exam period for that semester will be deemed late, not graded and result in a grade of 'Fail' being recorded for the unit.

**Assessment Tasks**

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Honesty &amp; Referencing</td>
<td>10%</td>
<td>Week 3</td>
</tr>
<tr>
<td>Statutory Interpretation</td>
<td>10%</td>
<td>Week 3</td>
</tr>
<tr>
<td>Case Brief</td>
<td>10%</td>
<td>Week 4</td>
</tr>
<tr>
<td>Research note</td>
<td>10%</td>
<td>Week 6</td>
</tr>
<tr>
<td>Hypothetical Problem</td>
<td>20%</td>
<td>Week 7</td>
</tr>
<tr>
<td>Group Project</td>
<td>20%</td>
<td>Week 7</td>
</tr>
<tr>
<td>Group Project 2</td>
<td>10%</td>
<td>Weeks 8-12</td>
</tr>
<tr>
<td>Reflective Case Analysis</td>
<td>10%</td>
<td>Week 13</td>
</tr>
</tbody>
</table>

### Academic Honesty & Referencing

**Due:** **Week 3**  
**Weighting:** **10%**

These two multiple choice quizzes will require students to demonstrate:

- Understanding and application of principles of academic honesty; and
- Ability to follow the correct rules for citation (AGLC3).

This Assessment Task relates to the following Learning Outcomes:

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
**Statutory Interpretation**

**Due:** Week 3  
**Weighting:** 10%

This short answer assignment will require students to demonstrate:

- understanding of principles of statutory interpretation; and
- the ability to apply them to interpret legislation for the purpose of deriving and constructing legal rules and principles

This Assessment Task relates to the following Learning Outcomes:

- Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles

**Case Brief**

**Due:** Week 4  
**Weighting:** 10%

In this short essay (500 words), students will be required to demonstrate:

- the ability to clearly and concisely summarise a case;  
- understanding of the doctrine of precedent; and  
- the ability to interpret case law for the purpose of deriving and constructing legal rules and principles

This Assessment Task relates to the following Learning Outcomes:

- Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles

**Research note**

**Due:** Week 6  
**Weighting:** 10%

Students will prepare a short research note (500 words) on a contemporary legal issue in which they will be required to demonstrate:

- the ability to carry out basic legal research tasks, including finding and analysing relevant primary and secondary sources; and  
- the ability to communicate effectively in a written form to a non-legal audience.
This Assessment Task relates to the following Learning Outcomes:

- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources
- Communicate effectively in both oral and written form to both legal and non-legal audiences
- Identify and explain the broader philosophical, ethical and socio-political context of legal issues and problems

Hypothetical Problem

Due: Week 7  
Weighting: 20%

In this essay (1,000 words), students will solve a hypothetical problem in public law. This problem will be the fact scenario for the annual Foundations Public Law Mooting Competition. Students will be required to demonstrate:

- the ability to analyse factual scenarios and identify relevant legal issues;
- the ability to understand and apply basic principles of legal problem solving and reasoning;
- the ability to carry out basic legal research tasks, including finding and analysing relevant primary and secondary sources;
- the ability to communicate effectively in a written form to a legal audience.

This Assessment Task relates to the following Learning Outcomes:

- Apply principles of statutory interpretation and the doctrine of precedent to interpret primary legal sources (case law and legislation) for the purpose of deriving legal rules and principles
- Analyse factual problem scenarios and prepare a structured response using the HIRAC framework for legal problem solving
- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources
- Communicate effectively in both oral and written form to both legal and non-legal audiences

Group Project

Due: Week 7  
Weighting: 20%

Using the wiki platform on the unit ilearn web page, students will publish a written submission (1,500 – 2,000 words) for their group project. Students will be required to demonstrate:
the ability to apply them to interpret primary and secondary sources for the purpose of deriving and constructing legal rules and principles;

• the ability to engage creatively with contemporary legal problems in their social context and to propose innovative solutions;

• the ability to collaborate effectively in a time-sensitive, multi-stage project;

• the ability to communicate effectively in written form with a non-legal audience; and

• the ability to demonstrate their understanding of the broader philosophical, ethical and/or socio-political context of legal issues and problems.

All individual student contributions to the Group Project must be evidenced by meaningful posts recorded on the wiki (including submission of original text, editing, revision and online discussion). Collaboration that occurs outside the wiki online platform will not be credited. Students who demonstrably fail to contribute meaningfully to the group project will receive a grade of 'unsatisfactory' for this assessment task and will be precluded from participating in Assessment 6.

This Assessment Task relates to the following Learning Outcomes:

• Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources

• Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context

• Collaborate effectively with other students in a respectful, collegial and inclusive manner

• Identify and explain the broader philosophical, ethical and socio-political context of legal issues and problems

Group Project 2

Due: **Weeks 8-12**

Weighting: **10%**

Each group will be allocated 10 minutes to present their work, followed by up to 5 minutes for questions and answers in relation to the outcomes of their Group Project (assessment task 5). Students will demonstrate their ability to communicate research outcomes effectively in oral form to both legal (their tutors) and non-legal (their peers) audiences.

Students who failed to contribute meaningfully to Assessment task 5 will be precluded from completing this assessment task.

**Note:** Distance education students will commence their projects online prior to the residential school dates. They will be provided with an opportunity to meet for one hour at the end of Day 1 to coordinate their ‘work in progress’ presentations, which they will deliver in Day 2.
This Assessment Task relates to the following Learning Outcomes:

- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources
- Communicate effectively in both oral and written form to both legal and non-legal audiences
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
- Collaborate effectively with other students in a respectful, collegial and inclusive manner
- Identify and explain the broader philosophical, ethical and socio-political context of legal issues and problems

**Reflective Case Analysis**

**Due:** Week 13  
**Weighting:** 10%

Students will write a short essay (750 words) in which they reflect on their own group project and that of one other groups and set out (1) how the relevant principles of public law would ground a solution for the issues at stake; and (2) how further study in the LLB program would assist them to build their knowledge base and legal skills to provide more rigorous, critical and innovative solutions. Students will be challenged to reflect on the anticipated relevance of each of the other compulsory units in the LLB program and at least four electives of their choice.

Through this assessment task, students will also be required to demonstrate their knowledge of foundational public law concepts covered in the lectures and their capacity to engage in reflective practice.

This Assessment Task relates to the following Learning Outcomes:

- Identify and explain the broader philosophical, ethical and socio-political context of legal issues and problems
- Define, describe and relate sources of legal norms in the Australian legal system (including private and public law, indigenous customary law, international law) and other legal systems in the world
- Apply reflective practice to learning as law students and as future legal professionals

**Delivery and Resources**

**REQUIRED READING:**

Michelle Sanson, Thalia Anthony and David Worswick, *Connecting with the Law* (Oxford)


Additional required and recommended materials will be posted at the website of the Unit.

**Unit Schedule**

<table>
<thead>
<tr>
<th>LAW 115</th>
<th>UNIT SCHEDULE by TOPIC (Combined Law)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Week</strong></td>
<td><strong>Lecture (1 hour)</strong></td>
</tr>
<tr>
<td>1</td>
<td>L1 – Overview</td>
</tr>
<tr>
<td>2</td>
<td>L2 - Australian Parliaments, Separation of Powers, Legislative Process and the Executive</td>
</tr>
<tr>
<td>3</td>
<td>L3 – Judicial Reasoning and The Doctrine of Precedent</td>
</tr>
<tr>
<td>4</td>
<td>L4 - The Australian Constitution, Democratic Institutions and the Rule of Law</td>
</tr>
<tr>
<td>5</td>
<td>L5 – Project Overview</td>
</tr>
</tbody>
</table>

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.
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<thead>
<tr>
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<tbody>
<tr>
<td>6</td>
<td>L6 – Comparative Legal Systems</td>
<td>T6 – Group Project (start - finalise groups and brainstorm)</td>
</tr>
<tr>
<td>Mid-Semester Break</td>
<td></td>
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</tr>
<tr>
<td>7</td>
<td>L7 - International Law &amp; Human Rights</td>
<td>T7 - Review of foundational skills</td>
</tr>
<tr>
<td>8</td>
<td>L8 - Origins of the Australian Legal System and Indigenous Customary Law</td>
<td>T8 - Group Presentation - Topic 1</td>
</tr>
<tr>
<td>9</td>
<td>L9 - Tribunals</td>
<td>T9 - Group Presentation - Topic 2</td>
</tr>
<tr>
<td>10</td>
<td>L10 - Australian Courts and Legal Traditions</td>
<td>T10 - Group Presentation - Topic 3</td>
</tr>
<tr>
<td>11</td>
<td>L11 - Law, Policy and Public Interest</td>
<td>T11 - Group Presentation - Topic 4</td>
</tr>
<tr>
<td>12</td>
<td>L12 - Ethics, Professional Practice and Alternative Dispute Resolution</td>
<td>T12 - Group Presentation - Topic 5</td>
</tr>
<tr>
<td>13</td>
<td>L13 - Conclusion - The Rest of your Law Degree</td>
<td>T13 – Reflective practice</td>
</tr>
</tbody>
</table>

In addition, there will be two optional evening workshops (two hours duration) in Week 5 (on Statutory Interpretation and Case Briefs); and in Week 9 (Legal Research and Legal Problem Solving). The precise date, time and location will be announced through the iLearn page.

**Indicative Schedule for Distance LL.B Cohort two-day Intensive:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Day 1</strong></td>
<td></td>
</tr>
<tr>
<td>9:00 – 10:00</td>
<td>L1 – Welcome and Overview</td>
</tr>
<tr>
<td>10:00 – 11:00</td>
<td>T1 – Academic Honesty and Referencing</td>
</tr>
<tr>
<td>11:00 – 11:30</td>
<td>BREAK</td>
</tr>
<tr>
<td>11:30 – 12:30</td>
<td>Library Workshop</td>
</tr>
<tr>
<td>12:30 – 13:30</td>
<td>LUNCH</td>
</tr>
</tbody>
</table>
### Unit guide LAW 115 Foundations of Law

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>13:30 – 14:30</td>
<td>T2 – Statutory Interpretation</td>
</tr>
<tr>
<td>14:30 – 15:00</td>
<td>BREAK</td>
</tr>
<tr>
<td>15:00 – 16:00</td>
<td>T3 – How to Brief a Case</td>
</tr>
<tr>
<td>16:00 – 17:00</td>
<td>T4 – Group Project</td>
</tr>
</tbody>
</table>

### Day 2

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 – 10:00</td>
<td>T5 – Understanding Legal Scholarship</td>
</tr>
<tr>
<td>10:00 – 10:30</td>
<td>BREAK</td>
</tr>
<tr>
<td>10:30 – 11:30</td>
<td>T6 – Solving Legal Problems</td>
</tr>
<tr>
<td>11:30 – 13:00</td>
<td>T7 – Group Presentations, Topics 1 &amp; 2</td>
</tr>
<tr>
<td>13:00 – 14:00</td>
<td>LUNCH</td>
</tr>
<tr>
<td>14:00 – 15:30</td>
<td>T8 – Group Presentations, Topics 3 &amp; 4</td>
</tr>
<tr>
<td>15:30 – 16:00</td>
<td>BREAK</td>
</tr>
<tr>
<td>16:00 – 16:45</td>
<td>T10/11 – Group Presentations, Topic 5</td>
</tr>
<tr>
<td>16:45 - 17:00</td>
<td>Conclusion</td>
</tr>
</tbody>
</table>

### Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central. Students should be aware of the following policies in particular with regard to Learning and Teaching:

Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.

In addition, a number of other policies can be found in the Learning and Teaching Category of 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/support/student_conduct/](https://students.mq.edu.au/support/student_conduct/)

**Results**

Results shown in iLearn, 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).

**Student Support**

Macquarie University provides a range of support services for students. For details, visit [http://students.mq.edu.au/support/](http://students.mq.edu.au/support/)

**Learning Skills**

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- Workshops
- StudyWise
- Academic Integrity Module for Students
- Ask a Learning Adviser

**Student Enquiry Service**

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

**Equity Support**

Students with a disability are encouraged to contact the Disability Service who can provide appropriate help with any issues that arise during their studies.

**IT Help**


When using the University’s IT, you must adhere to the Acceptable Use Policy. The policy applies to all who connect to the MQ network including students.