



LAWS600

Foundations of Law

S2 Day 2018

Dept of Law

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	8
<u>Unit Schedule</u>	9
<u>Policies and Procedures</u>	9
<u>Graduate Capabilities</u>	11
<u>Changes from Previous Offering</u>	15
<u>Changes since First Published</u>	15

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Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Convenor

George Tomossy

george.tomossy@mq.edu.au

Contact via george.tomossy@mq.edu.au

W3A 510

Mondays 11-12 (weeks 1-7, 9-13)

Tutor

Keith Williams

keith.williams@mq.edu.au

TBC

by appointment

Credit points

4

Prerequisites

Admission to JD or GradCertLaw or GradDipLaw

Corequisites

Co-badged status

Unit description

This unit will enable students to attain well-developed cognitive and practical key legal skills (legal research, reasoning, and writing; applying precedent; statutory interpretation; and legal problem solving) and to acquire an advance level of foundational legal knowledge (Australia legal institutions; legal theory; comparative legal systems; parliamentary process; role of the judiciary) necessary for further graduate 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.

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:

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
- 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, and apply research skills to legal problem solving and analysis
- Communicate effectively in written form to both legal and non-legal audiences
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
- Apply reflective practice to learning as law students and as future legal professionals

General Assessment Information

This unit is ungraded and will not count towards a student's CGPA (Cumulative Grade Point Average). Students will be awarded 'Satisfactory' or 'Fail' at the end of the unit. All assessment tasks in this unit are 'hurdle requirements' and must be completed at a Satisfactory level (to the standard prescribed for each assessment task) in order to pass this unit. Deadlines indicated for the submission of supplementary work to satisfy a hurdle requirement may be extended by the tutor in writing.

In cases where students fail to complete one assessment task at a Satisfactory level (to the standard prescribed for the assessment task), provided that they have made genuine attempts at both initial and supplementary work on that task, the Convenor may 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.

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 – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than 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 due date of each assessment task 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.

In the case of online quizzes (Tasks 1 and 2, which are graded automatically), student have unlimited attempts to achieve the satisfactory level (100% for Task 1; 70% for each quiz in Task 2). For Tasks 3, 4 and 5, if deemed to be 'satisfactory' by their tutor in accordance with the rubric provided, students who submit a 'serious attempt' at the assignment (as defined in

the *Assessment Policy*) will be permitted to undertake supplementary work to achieve the assessment task's learning outcomes as detailed under the assessment task. Students may also be directed to undertake supplementary work or access learning supports provided by the University.

Detailed marking rubrics will be made available on iLearn. Assessment weightings are merely indicative of relative workload.

Unless a student has been granted a time extension under the University's Special Consideration Policy, any work (including resubmissions) submitted after the prescribed deadline and beyond the grace period allowed by the Faculty of Arts Late Submission Policy will not be graded and result in a 'Fail' grade being recorded for the unit.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Academic Honesty & Referencing</u>	5%	Yes	13 August 2018 10am
<u>Legal Research Quizzes</u>	15%	Yes	27 August 2018 10am
<u>Core Skills</u>	30%	Yes	10 Sept 2018 10am
<u>Hypothetical Problem</u>	20%	Yes	1 October 2018 10am
<u>Law & Policy Reform Project</u>	30%	Yes	22 October 2018 10am

Academic Honesty & Referencing

Due: **13 August 2018 10am**

Weighting: **5%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 1 consists of two online multiple choice quizzes in which students will demonstrate their ability to apply principles of academic honesty and rules for correct legal citation.

Students must attain a score of 100% for both quizzes in order to pass this assessment. Students who have made a serious attempt to complete both quizzes by the due date (but have failed to achieve the required score of 100% for either quiz) may re-attempt each quiz as often as needed to attain the required score of 100%, but must achieve this result by no later than by **27 August 2018 10am**.

Students who fail to attain a score of 100% on either quiz will receive a fail grade for the unit.

On successful completion you will be able to:

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

Legal Research Quizzes

Due: **27 August 2018 10am**

Weighting: **15%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 2 consists of 9 online quizzes on the following topics:

1. The Constitution
2. Commonwealth Legislation
3. NSW Legislation
4. Case Law
5. HANSARD
6. Domestic Legislation (outside NSW)
7. International Law
8. Law Reform Commissions
9. Judicial Commission

Serious first attempts on all quizzes must be made by students by the due date.

Quizzes may be repeated as often as required to achieve the minimum score of 70% on each quiz by **29 October 2018 10am** in order to pass this assessment and achieve the associated learning outcome.

On successful completion you will be able to:

- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources, and apply research skills to legal problem solving and analysis

Core Skills

Due: **10 Sept 2018 10am**

Weighting: **30%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 3 consists of a short written assignment (max. 2,500 words) to demonstrate the following core skills:

- understanding of principles of statutory interpretation;
- the ability to clearly and concisely summarise a case;
- understanding of the doctrine of precedent;
- the ability to interpret case law and legislation for the purpose of deriving and

- constructing legal rules and principles;
- 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.

Students must attain a grade of 'satisfactory' on each criterion set out in the marking rubric in order to pass this assessment. Students who have made a serious attempt to complete the assignment by the due date (but have not attained a 'satisfactory' grade on each criterion in the marking rubric) will be afforded one opportunity to achieve the assessment's learning outcomes. Students will be required to correct and resubmit relevant parts of their work, taking into account feedback provided by their tutor, and explain how they have incorporated this feedback.

Students who do not attain a grade of 'satisfactory' for each criterion of the marking rubric in supplementary work submitted by **5 November 2018 10am** will receive a fail grade for the unit.

On successful completion you will be able to:

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
- 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
- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources, and apply research skills to legal problem solving and analysis
- Communicate effectively in written form to both legal and non-legal audiences
- Apply reflective practice to learning as law students and as future legal professionals

Hypothetical Problem

Due: **1 October 2018 10am**

Weighting: **20%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 4 consists of a short written assignment (1,000 - 1,250 words) where students will solve a hypothetical problem in public law. 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.

Students must attain a grade of 'satisfactory' on each criterion set out in the marking rubric in order to pass this assessment. Students who have made a serious attempt to complete the assignment by the due date (but have not attained a 'satisfactory' grade on each criterion in the marking rubric) will be afforded one further opportunity to achieve the assessment's learning outcomes. Students will be required to correct and resubmit relevant parts of their work, taking into account feedback provided by their tutor, and explain how they have incorporated this feedback.

Students who do not attain a grade of 'satisfactory' for each criterion of the marking rubric in supplementary work submitted by **12 November 2018 10am** will receive a fail grade for the unit.

On successful completion you will be able to:

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
- 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, and apply research skills to legal problem solving and analysis
- Communicate effectively in written form to both legal and non-legal audiences
- Apply reflective practice to learning as law students and as future legal professionals

Law & Policy Reform Project

Due: **22 October 2018 10am**

Weighting: **30%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

Assessment Task 5 consists of a written submission (1,500 - 2,000 words) advocating legal and policy reforms drawn from a list of pre-selected current issues. Drawing upon their reading of *Laying Down the Law*, students will apply relevant sources of legal norms in the Australian legal system (including private and public law, indigenous customary law, international law) to the issues at stake.

- the ability 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 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.

Students who do not complete the task by the due date at a satisfactory level to achieve the required learning outcomes to pass the assessment (against the rubric provided) will be afforded one opportunity to revise and resubmit their work in accordance with instructions provided by the tutor by no later than **19 November 2018 10am**.

On successful completion you will be able to:

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
- Locate relevant primary and secondary sources through legal research using online databases, library resources and internet sources, and apply research skills to legal problem solving and analysis
- Communicate effectively in written form to both legal and non-legal audiences
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context
- Apply reflective practice to learning as law students and as future legal professionals

Delivery and Resources

Delivery

This unit has a blended form of delivery and includes online content in lieu of formal lectures. Online content can be accessed at: <http://ilearn.mq.edu.au/>.

Tutorials for Internal Students commence in **Week 1** of semester and conclude in Week 13. Tutorials for internal students will involve twelve 90-min tutorials over the course of the semester. Attendance is not compulsory, but highly recommended.

Distance students have three on campus full-day intensive sessions. Attendance is not compulsory, but highly recommended.

Both Internal and Distance students should consult the official Timetable for class dates, times and locations at: <http://timetables.mq.edu.au>

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.

Students are required to monitor their official @students.mq.edu.au e-mail address for direct communications by the unit convenor or tutor, and are also required to monitor the Announcements forum on the units online web page.

Required and recommended texts and/or materials

REQUIRED TEXT:

R. Creyke et al., *Laying Down the Law* (LexisNexis, 10th ed, 2017).

FURTHER READING:

Michelle Sanson and Thalia Anthony, *Connecting with the Law* (Oxford University Press, 3th ed, 2010).

Michelle Sanson, *Statutory Interpretation* (Oxford University Press, 2nd ed, 2016).

Alexander Reilly, Gabrielle Appleby, Laura Grenfell and Wendy Lacey, *Australian Public Law* (Oxford University Press, 2nd ed., 2014).

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

Unit Schedule

The Seminars in this Unit will cover the following topics:

1. Academic Honesty and Referencing
2. Statutory Interpretation
3. Case Analysis
4. Legal Problem Solving
5. Legal Research
6. Law and Policy Reform

Further details will be made available on unit's iLearn web page.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](#)
- [Grade Appeal Policy](#)

- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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.

Student Support

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

Learning Skills

Learning Skills (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 Services and 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.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

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.

Graduate Capabilities

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcome

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

Assessment task

- Law & Policy Reform Project

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
- Apply reflective practice to learning as law students and as future legal professionals

Assessment tasks

- Academic Honesty & Referencing
- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships

with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcome

- Apply reflective practice to learning as law students and as future legal professionals

Assessment tasks

- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Apply principles of academic honesty and rules for correct legal citation (AGLC3)
- 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, and apply research skills to legal problem solving and analysis

Assessment tasks

- Academic Honesty & Referencing
- Legal Research Quizzes
- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

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

Assessment tasks

- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- 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, and apply research skills to legal problem solving and analysis

Assessment tasks

- Legal Research Quizzes

- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Communicate effectively in written form to both legal and non-legal audiences
- Consider, critique and recommend innovative solutions to contemporary legal problems in their broader social context

Assessment tasks

- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcome

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

Assessment tasks

- Academic Honesty & Referencing
- Core Skills
- Hypothetical Problem
- Law & Policy Reform Project

Changes from Previous Offering

1. General Assessment instructions amended.
2. Detailed Assessment instructions clarified.

Changes since First Published

Date	Description
16/07/2018	Updated edition of required text.