



# LAWS802

## Criminal Justice and Public Policy

S2 Day 2018

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor

Dr Andrew Burke

[andrew.burke@mq.edu.au](mailto:andrew.burke@mq.edu.au)

6 First Walk (W3A) Room 622

Thursday 12-1pm (teaching weeks)

Credit points

4

Prerequisites

((Admission to GradCertLaw or GradDipLaw or LLM or admission to JD after 2014) and corequisite LAWS600)) or (admission to JD in 2014)

Corequisites

Co-badged status

Unit description

This unit aims to develop an advanced understanding of the substantive principles of criminal law, the administration of criminal justice and related public policy dimensions in contemporary Australian society. Students will critically examine principles of criminal responsibility, a range of criminal offences, and aspects of the investigation, prosecution and defence of criminal matters. They will carry out an independent piece of research to analyse and evaluate historical, social, political, philosophical and ethical factors that inform policy development in this area, including a current priority area for legal and policy reform.

## 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:

Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice

Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal

justice

Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios

Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice

Collaborate effectively with other students in group activities including in presentations and class discussions

Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences

Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## General Assessment Information

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.

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* (3rd ed). The Guide is available here <<http://mulr.law.unimelb.edu.au/go/AGLC3>>.

Assessments must be submitted in double line spaced text, 12 point, Times New Roman font. Headings and subheadings should be used where appropriate.

Detailed marking rubrics will be made available on iLearn.

### Moderation

Rubrics will be provided on iLearn, and model answers will be posted once marks are released.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Task 1: Quizzes</a>	15%	No	Week 3, Week 5, Week 7
<a href="#">Task 2: Problem solving</a>	15%	No	Sunday 7th October 11:59pm
<a href="#">Task 3: Class Participation</a>	20%	No	Ongoing

Name	Weighting	Hurdle	Due
<u>Task 4: Law Reform Submission</u>	50%	No	11th November 2018, 11.59 pm

## Task 1: Quizzes

Due: **Week 3, Week 5, Week 7**

Weighting: **15%**

Three online quizzes, worth 5% each, will test students' understanding of key topics in the Unit. Quiz questions will be derived from lectures and required readings.

Each quiz must be completed within one hour of commencement. Each quiz will be open 9am Friday morning to 9am Saturday morning.

Quiz 1 will cover Week 2 (Principles of Criminal Responsibility).

Quiz 2 will cover Week 3 (Summary Offences).

Quiz 3 will cover Week 6 (Assault).

This is a timed assessment and no late submissions will be accepted. Further information regarding the quizzes will be available on iLearn.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice

## Task 2: Problem solving

Due: **Sunday 7th October 11:59pm**

Weighting: **15%**

The problem question will relate to one or more areas of criminal law, and will enable students to develop their legal research and analytical skills; reinforce their knowledge of relevant doctrinal principles; and enhance their contextual understanding of the laws underpinning the administration of criminal justice.

The problem question will test students' understanding of the criminal law in common law and in statute, and students' ability to structure an answer to a problem question, identify applicable law, and legal issues from a fact scenario.

Advice will be given in seminars and the OCS on how to structure answers to problem questions; identify applicable law; identify and resolve legal issues; and develop a clear and

coherent analysis.

The questions will require an advanced and critical application of the principles of statutory interpretation, problem solving, independent research and demonstration of other legal skills.

**Word limit** will be 1500 words. The word limit includes substantive footnotes and there is no leeway to exceed the limit. Markers will stop reading once the word limit is reached.

All work is to be completed in accordance with the **AGLC 3rd edition** (see General Assessment Information). Each answer must be submitted via Turnitin on iLearn and must comply with the instructions found under General Assessment Information.

A **marking rubric** will be provided with the assessment task.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
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- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## Task 3: Class Participation

Due: **Ongoing**

Weighting: **20%**

Class participation will be worth 20%. Class participation is not the same thing as class attendance. Students will be required to attend each seminar (or the On-Campus Session for external students) and participate in set activities, including class discussions, individual and group quizzes, and other set work. Participation requires consistent demonstration of understanding and critical engagement with the required readings.

Every absence from class, whether seminars for internal students or the On-Campus Session for external students, may harm your class participation mark. Should you be absent due to illness or misadventure then you should apply for Special Consideration via [ask.mq.edu.au](https://ask.mq.edu.au).

More information on the structure of the On-Campus Session will be provided on a date closer to the on-campus session days, on iLearn.

Class participation will be assessed on the following criteria:

- **Preparation:** the student demonstrates reading and engagement with the materials, lectures and any other content provided for each week's seminar. Students will volunteer answers to questions; respond to, and participating effectively in, class debates; and ask questions to clarify anything not understood in the readings or lectures;
- **Ability to critically discuss the material:** the student critically discusses the seminar materials and contributes to class discussions in a way that assists the learning of others. This will be demonstrated through the ability to respond to questions, suggest counter-arguments and link readings and lecture materials to class activities, current events, and hypothetical scenarios;
- **Oral expression:** the student verbally expresses their ideas about the materials in a clear, coherent, and concise manner;
- **Engaging with other students:** the student engages with others in the class, displays respect for others' opinions and differences; actively listens, and provides constructive feedback;
- **Collaboration:** the student works collaboratively and productively in small groups, fosters discussion, shares opinions, and explores and resolves points of consensus and disagreement;
- **Demonstration of skills:** the student demonstrates legal skills taught in the unit, including statutory interpretation, problem solving, oral and written communication skills and general legal reasoning.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Collaborate effectively with other students in group activities including in presentations and class discussions
- Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## Task 4: Law Reform Submission

Due: **11th November 2018, 11.59 pm**

Weighting: **50%**

Students will be required to write a draft submission to a law reform inquiry for the final assessment of the unit, worth 50% of the final grade. Students will be required to demonstrate their understanding of the law, their ability to critically engage and evaluate existing legal principles, statutory frameworks and broader social contexts, and to propose sound, viable (legally, socially and politically), and reasoned legal and policy reforms.

The law reform topics, the terms of references, and advice on how to draft submissions will all be provided on the iLearn site, along with detailed instructions.

All work is to be submitted via Turnitin on iLearn by the due date, and must comply with the instructions found under General Assessment Information. The submission, including footnotes, must be written in accordance with the AGLC 3rd edition. No bibliography is required.

The maximum word count for the submission is 2500 words, including substantive comments in footnotes.

On successful completion you will be able to:

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## Delivery and Resources

This unit has a blended mode of delivery. It is delivered via a weekly 1.5 hour seminar for internal students, and all students will have access to various online resources, including a weekly lecture available on iLearn. Seminars commence from week 1.

As class participation will be assessed in this unit, seminar attendance, for both internal and external students, is compulsory.

In addition to engaging with online resources, external students must attend a compulsory three

day On-Campus Session. Students who are unable to attend must apply for Special Consideration. If that application is accepted, an equivalent amount of alternative work will be set in lieu of on-campus attendance.

Students require access to a computer and a secure and reliable server. All Unit requirements and a weekly teaching and reading schedule are outlined in iLearn.

All assessments are to be submitted electronically via Turnitin.

The required textbook for this unit is: Simon Bronitt & Bernadette McSherry *Principles of Criminal Law* (Lawbook, 4th ed, 2017).

Additional reading will be available via iLearn and e-reserve.

The following books are recommended readings for this unit. All listed materials are available from the Library.

- Penny Crofts, *Criminal Law Elements* (LexisNexis, 5th ed, 2014).
- David Brown et al, *Criminal Laws; Materials and Commentary on Criminal Law and Process in New South Wales* (The Federation Press, 6th ed, 2015).
- Jeremy Gans, *Modern Criminal Law of Australia* (Cambridge University Press, 2016).
- Michelle Sanson and Thalia Anthony, *Connecting with Law* (Oxford University Press, 3rd ed, 2014).
- Michelle Sanson, *Statutory Interpretation* (Oxford University Press, 2012).
- Anthony, T; Crofts, P; Crofts, T; Gray, S; Loughnan, A; Naylor, B, *Waller & Williams Criminal Law: Text and Cases* (LexisNexis, 12th ed, 2013).

## Unit Schedule

1. Introduction to criminal justice: what is crime?
2. Principles of criminal responsibility
3. Summary offences
4. Homicide I
5. Homicide II
6. Assault
7. Sexual assault
8. Sexual Abuse against Children
9. Property Offences
10. Drug Offences
- 11 Defences: self defence and duress
12. Defences: mental illness and intoxication



## 13. International Criminal Justice

# 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](http://students.mq.edu.au/support/study/student-policy-gateway) (<http://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](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>).

## 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](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/>

## 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 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](http://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/](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

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

#### Learning outcomes

- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

#### Assessment task

- Task 3: Class Participation

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

## **Learning outcomes**

- Advanced level of understanding of general doctrines of criminal responsibility, elements of offences and defences, and the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## **Assessment tasks**

- Task 1: Quizzes
- Task 2: Problem solving
- Task 3: Class Participation
- Task 4: Law Reform Submission

## **PG - Critical, Analytical and Integrative Thinking**

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

## **Learning outcomes**

- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios

## **Assessment tasks**

- Task 1: Quizzes
- Task 2: Problem solving
- Task 3: Class Participation
- Task 4: Law Reform Submission

## **PG - Research and Problem Solving Capability**

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

### **Learning outcomes**

- Critically research, analyse, synthesise, interpret and derive legal principles from legislation, parliamentary debates and case law governing the administration of criminal justice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice

## **Assessment tasks**

- Task 2: Problem solving
- Task 3: Class Participation
- Task 4: Law Reform Submission

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

### **Learning outcomes**

- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Carry out independent research, and draft submissions to a legal inquiry, in order to

develop, critique and advocate legal policy reform in the context of criminal justice

- Collaborate effectively with other students in group activities including in presentations and class discussions
- Effective and persuasive English communication skills, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## **Assessment tasks**

- Task 2: Problem solving
- Task 3: Class Participation
- Task 4: Law Reform Submission

## **PG - Engaged and Responsible, Active and Ethical Citizens**

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

## **Learning outcomes**

- Carry out independent research, and draft submissions to a legal inquiry, in order to develop, critique and advocate legal policy reform in the context of criminal justice
- Collaborate effectively with other students in group activities including in presentations and class discussions
- Demonstrate employability skills to a high, professional standard, including regular attendance, punctuality, reliability and peer collaboration

## **Assessment tasks**

- Task 3: Class Participation
- Task 4: Law Reform Submission

## **Changes from Previous Offering**

Textbook has changed to Bronitt & McSherry, *Principles of Criminal Law* (Lawbook Co., 4th ed, 2017)

## Changes since First Published

Date	Description
25/07/2018	The first problem-solving assessment task, previously due in Week 4, has been replaced with three online quizzes in Weeks 3, 5 and 7. The basis for this is to allow space for the teaching of a seminar on problem solving in criminal law, and to ensure that external students are not disadvantaged by having to complete a problem-solving task prior to the OCS. The second problem-solving task, due Week 8, remains. The Unit Schedule has been updated to reflect minor changes made to the LAW109 Criminal Justice lecture schedule. The lectures are shared.