



# LAW 115

## Foundations of Law

S2 External 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>	3
<u>Delivery and Resources</u>	8
<u>Unit Schedule</u>	9
<u>Policies and Procedures</u>	10
<u>Graduate Capabilities</u>	11
<u>Changes from Previous Offering</u>	15

#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Convenor

George Tomossy

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W3A 510

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

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 BMediaLLB or BPsych(Hons)LLB or BScLLB or BSecStudLLB 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.

## 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:

Define, describe and relate sources of legal norms and foundational elements of the Australian legal system

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

Communicate effectively 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

Apply reflective practice to learning

## 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. Completion of LAW115 is a pre-requisite to further study in the LLB program.

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.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Academic Honesty &amp; Referencing</u>	10%	Yes	13 August 2018 10am

Name	Weighting	Hurdle	Due
<a href="#"><u>Core Skills Assessment</u></a>	20%	Yes	24 September 2018 10am
<a href="#"><u>Legal Research Quizzes</u></a>	10%	Yes	10 September 2018 10am
<a href="#"><u>Hypothetical Problem</u></a>	20%	Yes	8 October 2018 10am
<a href="#"><u>Law and Policy Reform Wiki</u></a>	15%	Yes	15 September 2018 10am
<a href="#"><u>Group Presentations</u></a>	10%	Yes	16 September 2018
<a href="#"><u>Legal Foundations Quiz</u></a>	15%	Yes	Week 13

## Academic Honesty & Referencing

Due: **13 August 2018 10am**

Weighting: **10%**

**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% (best attempt) 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)

## Core Skills Assessment

Due: **24 September 2018 10am**

Weighting: **20%**

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

**Assessment Task 2** consists of a short assignment (max 1,500 words, excluding footnotes) submitted online in which students will analyse and interpret primary legal sources (case law and legislation).

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. By no later than **22 October 2018 10am**, 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 obtain a 'satisfactory' grade on this assessment task 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
- Apply reflective practice to learning

## Legal Research Quizzes

Due: **10 September 2018 10am**

Weighting: **10%**

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

**Assessment Task 3** consists of five (5) online multiple choice quizzes where students will demonstrate their ability to carry out legal research using online databases, library and internet sources. The quizzes canvass the following areas:

1. The Australian Constitution
2. Australian Case Law
3. State (New South Wales) Legislation
4. Federal (Commonwealth) Legislation
5. HANSARD

A minimum grade of 75% on each quiz is required to pass this assessment. Students must make a serious attempt at each quiz by the due date, but may reattempt each quiz as many times as needed to attain the minimum grade of 75% before the commencement of the Session's Exam Period (**by 12 November 2018 10am**).

Students who fail to complete all five online quizzes with a minimum score of 75% (best attempt) on each quiz will receive a fail grade for the unit.

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

## Hypothetical Problem

Due: **8 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 written assignment (approximately 1,000 words), submitted online, where students will provide a legal opinion on a hypothetical problem.

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. By no later than **12 November 2018 10am**, 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 attain a grade of 'satisfactory' for each criterion of the marking rubric 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
- Communicate effectively to both legal and non-legal audiences
- Apply reflective practice to learning

## Law and Policy Reform Wiki

Due: **15 September 2018 10am**

Weighting: **15%**

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

**Assessment Task 5** requires students to develop recommendations for legal and policy

reform to address a contemporary socio-legal problem. Students will work in small groups and present their findings in the form of a wiki on the unit iLearn page (approximately 400 words per person, excluding footnotes, headings, tables, images, etc) and must fully accord with the prescribed format. All Wikis must be completed by the morning of the first date of On Campus Sessions (**15 September 10am**).

Groups who fail to produce a satisfactory wiki (or individual students who fail to contribute demonstrably to their group wiki) may be required by the unit convenor to undertake supplementary work that must be completed in order to pass this assessment task.

Evidence of individual student contributions to group work can include recorded posts on the wiki platform (including submission of original text, editing, revision), participation in online discussion using the Group's allocated Discussion Forum, and/or by attestation of group members (i.e., an annotation setting out roles, division of tasks and contributions to group work on the wiki).

Students (or groups) who fail to produce a satisfactory wiki in accordance with the prescribed format by the due date (or complete supplementary work if directed by the unit convenor) will receive a Fail grade in the unit.

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
- Communicate effectively 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

## Group Presentations

Due: **16 September 2018**

Weighting: **10%**

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

**Assessment Task 6** involves an oral presentation (assessed as a group) and class participation (assessed on an individual basis). During the second On Campus Day (**16 September 2018**), each group (from Assessment Task 5) will be allocated 25 minutes to present their findings (as set out in their wiki) to their tutorial class followed by 20 minutes for Q&A with feedback from their tutor.

In advance of each week's presentation, each student must review the wiki prepared by the presenting group and prepare one question for discussion during the Q&A portion of the weekly presentations. Tutors may call upon students randomly to contribute to Q&A sessions.

Any student who fails to contribute meaningfully to their group's oral presentation or participate in Q&A sessions may be required by the convenor to undertake supplementary work.

Students who fail to complete this Assessment Task at a satisfactory level will receive a Fail grade in the unit.

On successful completion you will be able to:

- Communicate effectively 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

## Legal Foundations Quiz

Due: **Week 13**

Weighting: **15%**

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

**Assessment Task 7** will require students to demonstrate their understanding of foundational concepts necessary for further study in law attained from lectures and readings throughout the unit. Students will be required to complete a timed online quiz (1 hour to complete from commencement) and attain a minimum score of 75%.

This is a timed assessment and no late submissions will be accepted. Alternative arrangements will only be made for students lodging a successful application for special consideration.

The Quiz will be released on the **Monday 5 November 2018 at 6pm** and remain open **until 10am of Thursday 8 November 2018**.

Students who fail to complete the quiz at the required level of 75% may re-attempt the quiz once **between 6pm on Thursday 8 November 2018 and 10am of Monday 12 November 2018**.

Students who fail to attain a score of 75% (best attempt) on this quiz will receive a Fail grade for the unit.

On successful completion you will be able to:

- Define, describe and relate sources of legal norms and foundational elements of the Australian legal system

## Delivery and Resources

On Campus Intensive sessions for Distance Students are **compulsory**.

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

Required and recommended texts and/or materials

## REQUIRED 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 webpage and technology used and require

Online units can be accessed at: <http://ilearn.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.

## Unit Schedule

The following topics will be covered in lectures for this unit:

L1 – Introduction and Course Overview

L2 – Origins of the Australian Legal System and Indigenous Customary

L3 – Common Law and Equity

L4 – Judicial Reasoning and the Doctrine of Precedent

L5 – Law and Policy Reform Project Overview

L6 – The Australian Constitution and Separation of Powers

L7 – Australian Courts

[Week 8 - No Lecture due to public holiday]

L9 – International Law & Human Rights

L10 – Tribunals

L11 – Ethics, Professional Practice and Alternative Dispute Resolution

L12 – Democratic Institutions, Consultative Law Reform and the Rule of Law

L13 – Public Interest Litigation and Advocacy

Please note that the above schedule is indicative and may be subject to change. The formal lecture schedule and associated readings will be made available on the unit's web page at the start of semester.

## 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](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](https://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](https://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

### 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 tasks

- Law and Policy Reform Wiki
- Group Presentations

### 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)
- Collaborate effectively with other students in a respectful, collegial and inclusive manner
- Apply reflective practice to learning

## Assessment tasks

- Academic Honesty & Referencing
- Core Skills Assessment
- Hypothetical Problem
- Law and Policy Reform Wiki
- Group Presentations

## 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

### Assessment tasks

- Core Skills Assessment
- Hypothetical Problem

## 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

- Define, describe and relate sources of legal norms and foundational elements of the Australian legal system

- 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

## **Assessment tasks**

- Academic Honesty & Referencing
- Core Skills Assessment
- Legal Research Quizzes
- Hypothetical Problem
- Law and Policy Reform Wiki
- Legal Foundations Quiz

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

## **Assessment tasks**

- Core Skills Assessment
- Hypothetical Problem
- Law and Policy Reform Wiki
- Group Presentations

## 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

### Assessment tasks

- Core Skills Assessment
- Legal Research Quizzes
- Hypothetical Problem
- Law and Policy Reform Wiki

## 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 to both legal and non-legal audiences
- Collaborate effectively with other students in a respectful, collegial and inclusive manner

### Assessment tasks

- Hypothetical Problem
- Law and Policy Reform Wiki
- Group Presentations

## 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 outcomes**

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

## **Assessment tasks**

- Academic Honesty & Referencing
- Core Skills Assessment
- Hypothetical Problem
- Law and Policy Reform Wiki
- Group Presentations

## **Socially and Environmentally Active and Responsible**

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

## **Learning outcome**

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

## **Assessment tasks**

- Law and Policy Reform Wiki
- Group Presentations

## **Changes from Previous Offering**

1. General Assessment instructions amended.
2. Detailed Assessment instructions clarified.
3. Instructions for timed assessment (Task 7) added.