LAW 109

Criminal Justice

S2 External 2018

Dept of Law

Contents

General Information 2

Learning Outcomes 2

General Assessment Information 3

Assessment Tasks 3

Delivery and Resources 7

Unit Schedule 7

Policies and Procedures 8

Graduate Capabilities 9

Changes from Previous Offering 13

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General Information

Unit convenor and teaching staff Unit Convenor Dr Shireen Daft shireen.daft@mq.edu.au Contact via email W3A 541 Wednesdays 2pm
Credit points 3
Prerequisites LAW115
Corequisites
Co-badged status
Unit description This unit aims to develop in students a thoughtful and critical understanding of the substance of criminal law, criminal procedure and the administration of criminal justice 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. Throughout the unit, students are required to consider and evaluate the ways that historical, social, political, philosophical and ethical factors inform the substance and operation of criminal law and procedure.

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:

Explain general doctrines of criminal responsibility, outline elements of offences and defences, and articulate the aims of the criminal justice system, in accordance with Priestley requirements for legal practice

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

Communicate effectively and persuasively, in verbal and written form, with legal and non-legal audiences

Demonstrate employability skills including 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. Markers in this Unit undertake a process to establish a common marking standard and all Fail papers are double marked.

Assessment Tasks

Name	Weighting	Hurdle	Due
Tasks 1, Parts 1,2,3	40%	No	Multiple - See Description
Task 3: Class Participation	20%	No	Ongoing
Task 3- Law Reform Submission	40%	No	11:59pm, Friday 9 Nov 2018

Tasks 1, Parts 1,2,3

Due: **Multiple - See Description**

Weighting: **40%**

Students will be required to complete three formative assessment tasks. Each task 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 tasks will be assessed on an ongoing basis throughout the semester. They will test students' understanding of the criminal law, and students' ability to apply this understanding to solve problems, to analyse legal issues and to identify applicable law and legal issues from a fact scenario.

The tasks will require application of the principles of statutory interpretation, problem solving, independent research and demonstration of other legal skills, as learnt in LAW115. The first task will be weighted 10%, tasks 2 and 3 will be weighted 15% each.

These assessments will have the following due dates:

Part 1: Week 3, Friday 11.59 pm (17th August 2018)

Part 2: Week 7, Friday 11.59 pm (7th September 2018)

Part 3: Week 10, Friday 11.59 pm (12th October 2018)

Word limits will be provided for each task, and will be in the range of 750-1500 words for each task. Word limits include substantive footnotes and there is no leeway for word limits. 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 each task.

On successful completion you will be able to:

- Explain general doctrines of criminal responsibility, outline elements of offences and defences, and articulate the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- 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
- Communicate effectively and persuasively, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills including attendance, punctuality, reliability and peer collaboration

Task 3: Class Participation

Due: **Ongoing**
Weighting: **20%**

Class participation will be worth 20%. Attendance is necessary but not sufficient to perform well against the participation criteria. You will be required to attend each tutorial and participate in set activities, including class discussions, opening and closing addresses, law reform proposals, individual and group quizzes, and other set work. Participation requires consistent demonstration of understanding and critical engagement with the required readings. When students are required to participate in group presentation exercises in tutorials, as part of class participation, then these are timed assessments and no late submission will be accepted.

If you cannot attend a tutorial you must inform your tutor, via email, as soon as possible. Absences from tutorials without Special Consideration will adversely affect class participation marks.

External students are expected to attend the On-Campus Session (OCS). Students who are unable to attend must apply for Special Consideration. If that application is accepted, alternative work will be set in lieu of on-campus attendance. External students must undertake the readings and prepare for, and participate in, the tutorial exercises.This material will form the basis for the activities undertaken at the OCS. More information on the structure of the OCS will be provided on a date closer to the OCS, 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 tutorial. 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 tutorial 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:

- Explain general doctrines of criminal responsibility, outline elements of offences and defences, and articulate the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- 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
- Communicate effectively and persuasively, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills including attendance, punctuality, reliability and peer collaboration

Task 3- Law Reform Submission

Due: **11:59pm, Friday 9 Nov 2018**
Weighting: **40%**

Students will be required to write a submission to a law reform inquiry. 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 topic of the law reform, 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, as all references must be in footnotes.

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

On successful completion you will be able to:

- Explain general doctrines of criminal responsibility, outline elements of offences and defences, and articulate the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- 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
- Communicate effectively and persuasively, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills including attendance, punctuality, reliability and peer collaboration

Delivery and Resources

This unit is delivered via a weekly lecture and a weekly tutorial for internal students and an on campus session for external students. Lectures and Tutorials both commence from week 1.

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: Bronitt, Simon and Bernadette McSherry, *Principles of Criminal Law* (Law Book Co, 4th ed, 2017). This is a change from previous Unit offerings.

Additional reading will be available via iLearn.

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).
- Jeremy Gans, *Modern Criminal Law of Australia* (Cambridge University Press, 2nd ed, 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: murder and voluntary manslaughter

5. Homicide: involuntary manslaughter; assault causing death

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). 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). 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).

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.m

q.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 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

Assessment task

- Task 3- Law Reform Submission

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

- 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
- Communicate effectively and persuasively, in verbal and written form, with legal and non-legal audiences
- Demonstrate employability skills including attendance, punctuality, reliability and peer collaboration

Assessment tasks

- Tasks 1, Parts 1,2,3
- Task 3: Class Participation
- Task 3- Law Reform Submission

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

- Explain general doctrines of criminal responsibility, outline elements of offences and defences, and articulate the aims of the criminal justice system, in accordance with Priestley requirements for legal practice

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

- Explain general doctrines of criminal responsibility, outline elements of offences and defences, and articulate the aims of the criminal justice system, in accordance with Priestley requirements for legal practice
- Apply principles of statutory interpretation and problem solving methods to criminal justice scenarios
- Demonstrate employability skills including attendance, punctuality, reliability and peer collaboration

Assessment tasks

- Tasks 1, Parts 1,2,3
- Task 3: Class Participation
- Task 3- Law Reform Submission

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

- 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

- Communicate effectively and persuasively, in verbal and written form, with legal and non-legal audiences

Assessment tasks

- Tasks 1, Parts 1,2,3
- Task 3: Class Participation
- Task 3- Law Reform Submission

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

- 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

- Tasks 1, Parts 1,2,3
- Task 3: Class Participation
- Task 3- Law Reform Submission

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

- Collaborate effectively with other students in group activities including in presentations and class discussions
- Communicate effectively and persuasively, in verbal and written form, with legal and non-legal audiences

Assessment tasks

- Tasks 1, Parts 1,2,3
- Task 3: Class Participation
- Task 3- Law Reform Submission

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

- 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 task

- Task 3- Law Reform Submission

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

- 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 task

- Task 3- Law Reform Submission

Changes from Previous Offering

The text has changed from the 2017 offerings. Word count for Task 1 tasks reduced marginally to align with outcomes across First Year Program.