



BUSL201

Law in Australian Society

S1 Day 2018

Dept of Accounting & Corporate Governance

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Disclaimer

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General Information

Unit convenor and teaching staff

Unit Convenor

John Selby

busl201@mq.edu.au

Contact via busl201@mq.edu.au

E4A 325

Thursday 9am-11am

Moderator

Verity Greenwood

verity.greenwood@mq.edu.au - students do NOT contact the moderator

n/a

Credit points

3

Prerequisites

12cp at 100 level or above

Corequisites

Co-badged status

Unit description

This unit examines features of the legal system in contemporary Australia. Topics include: the relationship between law and society; the nature of law in a federal system; and the roles of parliaments and courts in making, developing and changing law. Students develop skills in reading and analysing case law, legislation and secondary legal source materials through assessment tasks which focus on topical areas of legal interest.

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:

Recall knowledge of the main concepts of the Australian legal system, including its historical development.

Comprehend legal texts, including textbooks, journal articles, statutes and case

decisions

Apply legal theories and principles when interpreting statutes and summarising case decisions

Analyse issues arising out of legal disputes, including by researching primary and secondary sources beyond the prescribed textbook

Evaluate the validity of legal answers written by others

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Homework</u>	0%	No	Tutorial in Week Five
<u>Class Test</u>	40%	No	3 May 2017
<u>Class Participation</u>	10%	No	5 June 2017
<u>Essay</u>	50%	No	4:30pm on Thursday of Week 13

Class Homework

Due: **Tutorial in Week Five**

Weighting: **0%**

A formative footnoting exercise through which students can ensure that they have developed their ability to reference in accordance with the Australian Guide to Legal Citation (3rd Edition). You will submit your written answer in your tutorial in Week Five.

Late submissions of this task are not accepted. It is your responsibility to ensure that you have prepared this formative task in time for your tutorial where it will be discussed.

See the **Assessment Guide** on iLearn for more information

On successful completion you will be able to:

- Comprehend legal texts, including textbooks, journal articles, statutes and case decisions
- Evaluate the validity of legal answers written by others

Class Test

Due: **3 May 2017**

Weighting: **40%**

A multiple-choice test assessing predominately higher-order learning lasting 75 minutes, plus 10 minutes reading time. Topics covered in Weeks 1-7 are covered. You will submit your answers on a scanning answer sheet in-person.

See the **Assessment Guide** on iLearn for more information.

Extensions

No extensions will be granted.

Penalty

Students who have not submitted their answer to the test prior to the deadline will be awarded a mark of 0 for the task, except for cases in which application for special consideration is made and approved.

If you miss the scheduled sitting of this test for any reason, you must apply under the Special Consideration Policy so as to be eligible to sit the supplementary test if approved. If a Supplementary Test is granted as a result of the Special Consideration process, you will be notified of its timing by email. Only one Supplementary Test will be held for all students who were unable to sit the scheduled sitting of the test. The supplementary test will be of a similar format to the in-class test.

On successful completion you will be able to:

- Recall knowledge of the main concepts of the Australian legal system, including its historical development.
- Comprehend legal texts, including textbooks, journal articles, statutes and case decisions
- Apply legal theories and principles when interpreting statutes and summarising case decisions
- Analyse issues arising out of legal disputes, including by researching primary and secondary sources beyond the prescribed textbook
- Evaluate the validity of legal answers written by others

Class Participation

Due: **5 June 2017**

Weighting: **10%**

This assessment tests your level of, and ability to, actively participate in tutorial discussions.

See the **Assessment Guide** on iLearn for more information.

If you are unable to attend any of your tutorials due to ill-health or mis-adventure, you should provide your tutor with a medical certificate or other relevant evidence for your absence at your next scheduled tutorial.

Penalty

Failure to attend without providing satisfactory evidence at least nine of the twelve tutorials over the course of the semester will result in a reduction in your participation mark that would have been awarded for the participation you engaged in during the tutorials that you did attend.

On successful completion you will be able to:

- Recall knowledge of the main concepts of the Australian legal system, including its historical development.
- Comprehend legal texts, including textbooks, journal articles, statutes and case decisions
- Apply legal theories and principles when interpreting statutes and summarising case decisions
- Analyse issues arising out of legal disputes, including by researching primary and secondary sources beyond the prescribed textbook

Essay

Due: **4:30pm on Thursday of Week 13**

Weighting: **50%**

A 2500-word written essay in two parts which requires students to analyse and summarise a very recent appellate court decision. Topics covered in weeks 1-13 are assessable, although emphasis will be placed on weeks 9-13 inclusive. You will submit this task through Grademark / Turnitin.

See the **Assessment Guide** on iLearn for more information.

Extension

No extensions will be granted.

Penalty

No extensions will be granted. There will be a deduction of 10% of the total available marks made from the total awarded mark for each 24 hour period or part thereof that the submission is late (for example, 25 hours late in submission – 20% penalty). This penalty does not apply for cases in which an application for special consideration is made and approved. No submission will be accepted after solutions have been posted.

To be eligible to pass this unit, it is necessary to obtain a mark of at least 50% in the unit overall.

On successful completion you will be able to:

- Comprehend legal texts, including textbooks, journal articles, statutes and case decisions
- Apply legal theories and principles when interpreting statutes and summarising case decisions
- Analyse issues arising out of legal disputes, including by researching primary and secondary sources beyond the prescribed textbook

Delivery and Resources

Classes:

- Students will attend one tutorial (time allotted one hour) each week (starting in Week 2). Most lectures are NOT held in-person. Aside from Week 8 and Week 12, lectures have been pre-recorded on video and are available on iLearn. There are two lectures which you must attend in-person: Week 8 when you have your in-class test and Week 12 which will include a discussion of techniques to improve your performance on your Essay).
- A library tutorial will be conducted by library staff in week four – details will be provided in week 2.
- The sequencing of the lecture program and unit content will allow you to develop your understanding of the law as the unit progresses. Note that together with the designated practice / tutorial questions, the tutorials may cover other issues relevant to the unit.
- The timetable for classes can be found on the university website at:
<http://www.timetables.mq.edu.au>
- Students must remain in their allocated tutorials.
- Attendance at all tutorials is compulsory. Required reading for each week's lecture and tutorial is clearly set out in the Lecture and Tutorial Schedules on iLearn, and students are expected to be fully prepared in advance. Attendance at the library tutorial is also compulsory.
- For the timetabling of this unit, see: <http://timetables.mq.edu.au>

Expectations and Workload

Expectations and Workload

	Activities	Hours
1	Weekly Lectures & Tutorials	39
2	Assessment Task 1 - Footnoting Exercise	4
3	Assessment Task 2 - Class Test	25
4	Assessment Task 3 - Class Participation	(incl in 1 above)

5	Assessment Task 4 - Essay	32
6	Readings / Self-Study	50
	Total	150

Prizes:

There is a prize for the most successful student in this unit. See:

http://www.businessandeconomics.mq.edu.au/undergraduate_degrees/prizes_scholarships

Required and Recommended Texts and/or Materials

- *Connecting with Law* (3rd Edition): Michelle Sanson and Thalia Anthony (2015) ISBN:9780195525052 - available from the Co-Op Bookshop and also available to be borrowed from the Macquarie University library. This is a substantially different book to the 2nd edition (several hundred pages longer).
- Additional readings will be uploaded to iLearn.

Useful websites:

- AustLII: <http://www.austlii.edu.au>
- Australian Parliament House: <http://www.aph.gov.au>

Technology Used and Required:

- Students must be familiar with the learning management system iLearn.
- Students need to have knowledge about accessing electronic research databases from the Macquarie University Library's website, textbooks, newspapers and the Internet. Students are required to attend a library training tutorial during the semester.
- Students are required to conduct their own research.
- Pre-recorded lectures and tutorials may make use of Powerpoint, videos and visualisers.

Unit Web Page:

- Unit material is available on the learning management system (iLearn)
- There is a web page for this unit.

Learning and Teaching Activities:

- This unit is taught by way of (mostly) pre-recorded lectures and tutorials. Practice questions are discussed to enable application of content.

What is expected of students: Criteria for Success

- Students should take responsibility for their own learning and this will incorporate reading as required, attendance at assessments and tutorials, developing effective study strategies, reflection on their abilities, and a task-oriented approach to assessment. That is, do not think solely about gathering information, think also about: what will be required; what makes for successful performance in quizzes and assignments; how you will use the law that you have studied. As this unit is both an introduction to legal content and a skills-based unit, you should undertake additional practice of applying the skills that you learn (such as interpreting legislation, reading case decisions, etc) outside of scheduled class time.

Unit Schedule

Week beginning	Lecture Topic Schedule	Reading—Connecting With Law (CWL) + iLearn articles
1- March 1	Introduction, Overview, Assessment	iLearn Articles
2-March 8	Learning Law: developing a legal mind Sources: what is the law itself?	Chapter 1 Chapter 2
3-March 15	Legal Institutions: how is the law made?	Chapter 3
4-March 22	Legal Research: how do I find the law?	Chapter 5
5-March 29	Jurisprudence: what is law?	Chapter 7

6–April 5	History:how did Australian law develop?	Chapter 8
7–April 12	Australia: where does indigenous law fit in?	Chapter 9
	Mid-Semester Break 14-29 April	
8–May 3	Mid Semester Quiz. Held in Lecture theatre during timetabled lecture	
9-May 10	Classifying and Practicing Law: how are cases resolved?	Chapter 4
10-May 17	Precedent: how do judicial decisions become law?	Chapter 10
11 - May 24	Statutory Interpretation: how do courts interpret legislation?	Chapter 11
12-May 31	Discussion on Writing Techniques for Business Law Assessments	Chapter 6 + Readings will be posted on iLearn
13– June 7	Law in Society: what are the problems and remedies for accessing justice?	Chapter 13

Learning and Teaching Activities

Lectures

Lectures from course convenor - most will be pre-recorded and available on iLearn.

Tutorials

In-Class discussions of topics from the lectures

Personal Reading

Reading through journal articles, text books, news articles and online resources

Library Tour

An interactive tour of the Macquarie University Library designed to assist students to make best use of the law resources available there.

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.

Academic Honesty

The nature of scholarly endeavour, dependent as it is on the work of others, binds all members of the University community to abide by the principles of academic honesty. Its fundamental principle is that all staff and students act with integrity in the creation, development, application

and use of ideas and information. This means that:

- all academic work claimed as original is the work of the author making the claim
- all academic collaborations are acknowledged
- academic work is not falsified in any way
- when the ideas of others are used, these ideas are acknowledged appropriately.

Further information on the academic honesty can be found in the Macquarie University Academic Honesty Policy at http://www.mq.edu.au/policy/docs/academic_honesty/policy.html

Grades

Macquarie University uses the following grades in coursework units of study:

- HD - High Distinction
- D - Distinction
- CR - Credit
- P - Pass
- F - Fail

Grade descriptors and other information concerning grading are contained in the Macquarie University Grading Policy which is available at:

<http://www.mq.edu.au/policy/docs/grading/policy.html>

Grading Appeals and Final Examination Script Viewing

If, at the conclusion of the unit, you have performed below expectations, and are considering lodging an appeal of grade and/or viewing your final exam script please refer to the following website which provides information about these processes and the cut off dates in the first instance. Please read the instructions provided concerning what constitutes a valid grounds for appeal before appealing your grade.

http://www.businessandeconomics.mq.edu.au/new_and_current_students/undergraduate_current_students/how_do_i/grade_appeals/

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

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

- Recall knowledge of the main concepts of the Australian legal system, including its historical development.
- Comprehend legal texts, including textbooks, journal articles, statutes and case decisions
- Apply legal theories and principles when interpreting statutes and summarising case decisions
- Analyse issues arising out of legal disputes, including by researching primary and secondary sources beyond the prescribed textbook
- Evaluate the validity of legal answers written by others

Assessment tasks

- Class Homework

- Class Test
- Class Participation
- Essay

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

- Comprehend legal texts, including textbooks, journal articles, statutes and case decisions
- Apply legal theories and principles when interpreting statutes and summarising case decisions
- Analyse issues arising out of legal disputes, including by researching primary and secondary sources beyond the prescribed textbook
- Evaluate the validity of legal answers written by others

Assessment tasks

- Class Test
- Class Participation
- Essay

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

- Comprehend legal texts, including textbooks, journal articles, statutes and case decisions
- Apply legal theories and principles when interpreting statutes and summarising case decisions

- Analyse issues arising out of legal disputes, including by researching primary and secondary sources beyond the prescribed textbook

Assessment tasks

- Class Participation
- Essay

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

- Comprehend legal texts, including textbooks, journal articles, statutes and case decisions
- Apply legal theories and principles when interpreting statutes and summarising case decisions
- Analyse issues arising out of legal disputes, including by researching primary and secondary sources beyond the prescribed textbook

Assessment tasks

- Class Homework
- Class Participation

Changes from Previous Offering

No changes from previous offering of this unit.

Research and Practice, Global and Sustainability

The jurisprudence lecture of this unit includes discussion of legal theories applied in research undertaken and published by the unit convenor.

The final assessment task in this unit will require you to analyse a cutting-edge legal decision about which few, if any, legal scholars will have written at the time.

Interested students can pursue further research (not a compulsory requirement of this unit) into any of the areas of this unit via the various scholarly journals available in print and (particularly) electronic formats through the Macquarie University Library.

This unit addresses global and sustainability issues as direct areas of study and as necessary implications arising from the materials, assessments and academic discussion and debate in classes / seminars. In particular, this unit situates the development of the Australian legal system within its global context and the role of indigenous communities in promoting sustainable practices. We aim to provide students with an opportunity to obtain skills which will benefit them throughout their careers.

Source materials cited in the textbook are referenced in the footnotes. Additional references will be made available on iLearn. These provide some guidance to references that could be used to research particular issues. Students are expected to research well beyond the prescribed textbooks and readings when writing their Essay.