



BUSL201

Law in Australian Society

S1 Day 2019

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

Monday 2-3pm

Moderator - students must not contact Verity regarding this Unit

Verity Greenwood

verity.greenwood@mq.edu.au

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.

General Assessment Information

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

How Feedback will be provided to you on your performance in your Assessment Tasks:

A marking rubric will be provided to you which will deliver feedback on your performance in your Class Participation and your Essay.

For your Class Test, each student will receive by email a personalised report on the various areas of strength and areas of weakness they have demonstrated through their answers to the Class Test.

For your Class Homework, each student will hand-write feedback on another student's Footnoting Exercise and give that back to them during the relevant tutorial class.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Homework</u>	0%	No	Tutorial in Week Five
<u>Class Test</u>	40%	No	29 April 2019
<u>Class Participation</u>	10%	No	3 June 2019 (Weeks 2-13)
<u>Essay</u>	50%	No	4:30pm on Thursday of Week 13

Class Homework

Due: **Tutorial in Week Five**

Weighting: **0%**

Task Description: 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 (4th Edition). **Type of Collaboration:** Individual **Submission:** You will submit a hard copy of your written answer in your tutorial in Week Five. **Format:** See the **Assessment Guide** on iLearn for more information **Length:** This task is approximately one A4 page in length **Inherent Task Requirements:** Access to, and understanding of, the Australian Guide to Legal Citation **Late Submission:** 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.

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: **29 April 2019**

Weighting: **40%**

Task Description: 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. **Type of**

Collaboration: Individual **Submission:** You will submit your answers on a scanning answer sheet in-person. **Format:**

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

Length: Twenty questions to be answered in 75 minutes **Inherent Task Requirements:** The ability to demonstrate knowledge, comprehension skills, analytical thinking, application of concepts, and evaluation of other's ideas. **Late Submission:**

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: **3 June 2019 (Weeks 2-13)**

Weighting: **10%**

Task Description: This assessment tests your level of, and ability to, actively participate in tutorial discussions. **Type of Collaboration:** Individual **Submission:** Through your completion of tasks and participation in discussions held in tutorial classes **Format:** See the **Assessment Guide** on iLearn for more information. **Length:** Twelve weeks of 50-minute tutorials **Inherent Task Requirements:** Completing prescribed readings and attempting tutorial problems prior to attending each week's tutorial. **Late Submission:**

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%**

Task Description: 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. **Type of Collaboration:** Individual **Submission:** You will submit this task through Grademark / Turnitin. **Format:** See the **Assessment Guide** on iLearn for more information. **Length:** 2500 words

Inherent Task Requirements: The ability to write an essay and a summarise a legal decision, plus the ability to reference in accordance with the Australian Guide to Legal Citations v4. **Late Submission:**
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.

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

Required Text:	<ul style="list-style-type: none">• <i>Connecting with Law</i> (4th Edition): Michelle Sanson and Thalia Anthony (2019) ISBN:9780190310844 - 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). Students should purchase the hard copy of this Textbook so that you can bring it with you into the Class Test held in Week 8. Electronic devices are NOT permitted to be used during that Class Test.• Australian Guide to Legal Citations (4th Edition): available at: https://law.unimelb.edu.au/mulr/aglc/about• Additional readings will be uploaded to iLearn.
Unit Web Page:	<ul style="list-style-type: none">• Unit material is available on the learning management system (iLearn)• There is a web page for this unit.
Technology Used and Required:	<ul style="list-style-type: none">• 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.

Delivery Format and Other Details:	<p>Classes:</p> <ul style="list-style-type: none"> 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 <p>Prizes:</p> <p>There is a prize for the most successful student in this unit. See: http://www.businessandeconomics.mq.edu.au/undergraduate_degrees/prizes_scholarships</p>
Recommended Readings:	<p>Useful websites:</p> <ul style="list-style-type: none"> AustLII: http://www.austlii.edu.au Australian Parliament House: http://www.aph.gov.au
Other Course Materials:	

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

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	Lecture Topic Schedule	Reading–Connecting With Law (CWL) + iLearn articles
1	Introduction, Overview, Assessment (no tutorials this week)	iLearn Articles
2	Learning Law: developing a legal mind (tutorials start this week) Sources: what is the law itself?	Chapter 1 Chapter 2
3	Legal Institutions: how is the law made?	Chapter 3
4	Legal Research: how do I find the law?	Chapter 5
5	Jurisprudence: what is law?	Chapter 7
6	History: how did Australian law develop?	Chapter 8
7	Australia: where does indigenous law fit in?	Chapter 9
	Mid-Semester Break	
8	Class Test: Held in Lecture theatre during timetabled lecture	
9	Classifying and Practicing Law: how are cases resolved?	Chapter 4
10	Precedent: how do judicial decisions become law?	Chapter 10
11	Statutory Interpretation: how do courts interpret legislation?	Chapter 11
12	Discussion on Writing Techniques for Business Law Assessments (you should attend this lecture in-person)	Chapter 6 + Readings will be posted on iLearn

13	Law in Society: what are the problems and remedies for accessing justice?	Chapter 13
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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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@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.businessandconomics.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

If you are a Global MBA student contact globalmba.support@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

There is an updated edition of the Connecting with Law textbook this semester.

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.