



# LAW 115

## Foundations of Law

S2 External 2019

*Macquarie Law School*

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## General Information

### Unit convenor and teaching staff

#### Convenor

George Tomossy

[george.tomossy@mq.edu.au](mailto:george.tomossy@mq.edu.au)

Contact via [george.tomossy@mq.edu.au](mailto:george.tomossy@mq.edu.au)

6FW 510

Thursday 10-11 (weeks 1-7, 9-13)

#### Co-Convenor

Zara Bending

[zara.bending@mq.edu.au](mailto:zara.bending@mq.edu.au)

Contact via [zara.bending@mq.edu.au](mailto:zara.bending@mq.edu.au)

6FW 607

e-mail for apt.

### 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 (AGLC4)

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 applicable assessment tasks 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                    |
|--|-----------|--------|------------------------|
| <a href="#">Academic Honesty &amp; Referencing</a> | 10%       | Yes    | 13 August 2019 10am    |
| <a href="#">Legal Research Quizzes</a>             | 10%       | Yes    | 10 September 2019 10am |
| <a href="#">Law and Policy Reform Wiki</a>         | 15%       | Yes    | 1 October 2019         |
| <a href="#">Group Presentations</a>                | 10%       | Yes    | 23-24 September 2019   |
| <a href="#">Core Skills Assessment</a>             | 20%       | Yes    | 24 September 2019 10am |
| <a href="#">Hypothetical Problem</a>               | 20%       | Yes    | 15 October 2019 10am   |
| <a href="#">Legal Foundations Quiz</a>             | 15%       | Yes    | 7 November 2019 10am   |

### Academic Honesty & Referencing

Due: **13 August 2019 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 timed 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 2019 10am**.

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.

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 (AGLC4)

### Legal Research Quizzes

Due: **10 September 2019 10am**

Weighting: **10%**

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

**Assessment Task 2** 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% by no later than **12 November 2019 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

## Law and Policy Reform Wiki

Due: **1 October 2019**

Weighting: **15%**

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

**Assessment Task 3** 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. Each student's contribution to the wiki must be explicitly noted. An initial draft, with input from each team member, must be uploaded into the wiki by the due date. Students will have up to seven days following the on campus sessions to make further modifications to finalise their wikis, incorporating feedback provided by their tutor at the on campus session.

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 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 and due date above (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: **23-24 September 2019**

Weighting: **10%**

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

**Assessment Task 4** involves an oral presentation (timed assessment). During the on campus sessions, each student will present their individual findings (10 min) and workshop their ideas, as a group, with the tutor. Any student who fails to contribute meaningfully to their group's oral presentation and/or wiki (Task 3) 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

## Core Skills Assessment

Due: **24 September 2019 10am**

Weighting: **20%**

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

**Assessment Task 5** 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 2019 10am**, students will be required to correct and resubmit relevant parts of their work, taking into account feedback provided by their tutor. They are required to highlight changes and explain how they have incorporated feedback to improve their answer as required.

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 (AGLC4)
- 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

## Hypothetical Problem

Due: **15 October 2019 10am**

Weighting: **20%**

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

**Assessment Task 6** 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 2019 10am**, students will be required to correct and resubmit relevant parts of their work, taking into account feedback provided by their tutor. They are required to highlight changes and explain how they have improved their answer as required.

Students who attain a grade of 'satisfactory' for each criterion of the marking rubric for 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 (AGLC4)
- 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

## Legal Foundations Quiz

Due: **7 November 2019 10am**

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 4 November 2019 at 10am** and remain open **until 10am of Thursday 7 November 2019**.

As this is a hurdle assessment, students who fail to complete the quiz at the required level of 75% after a genuine attempt may re-attempt the quiz once when it re-opens at **5pm on Thursday 7 November 2019 and closes at 10am on Monday 11 November 2019**.

For students who fail to attain a score of 75% on this quiz after it closes for the second time, the Unit Convenor will review their performance across the unit in consultation with tutors. Provided that all other work in the unit has been satisfactory, the Convenor may then allow the student one final re-attempt of the quiz before grades are resolved for the semester. Students will be notified of the outcome of this determination by **10am on Monday 25 November 2019** and will be required to re-attempt the quiz by no later than **9am Friday 29 November 2019**.

Students who fail to complete this Assessment at a 'Satisfactory' level will receive a Fail grade in 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

Tutorials for Internal Students commence in **Week 1** of semester and conclude in **Week 13**.

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, 4th ed, 2018).

Michelle Sanson, *Statutory Interpretation* (Oxford University Press, 2nd ed, 2016).

Gabrielle Appleby, Alexander Reilly and Laura Grenfell, *Australian Public Law* (Oxford University Press, 3rd ed., 2018).

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 weekly recorded lectures for this unit according to the following schedule and accessible by external students via Echo360:

L1 – Introduction and Course Overview

L2 – Common Law and Equity

L3 – The Australian Constitution and Separation of Powers

L4 – Judicial Reasoning and the Doctrine of Precedent

L5 – Law and Policy Reform Project Overview

L6 – Australian Courts

L7 – Tribunals

(mid-semester break, 2 weeks)

L8 - Origins of the Australian Legal System and Indigenous Customary

L9 – International Law & Human Rights

L10 – Ethics, Professional Practice and Alternative Dispute Resolution

L11 – Public Interest Litigation and Advocacy

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

L13 – The Rest of your Law Degree

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 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](mailto:globalmba.support@mq.edu.au)

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](#)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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 (AGLC4)
- Collaborate effectively with other students in a respectful, collegial and inclusive manner
- Apply reflective practice to learning

## Assessment tasks

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

## 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 (AGLC4)
- 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
- Legal Research Quizzes
- Law and Policy Reform Wiki
- Core Skills Assessment
- Hypothetical Problem
- 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

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

## 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

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

## 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**

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

## **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 (AGLC4)
- 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
- Law and Policy Reform Wiki
- Group Presentations
- Core Skills Assessment
- Hypothetical Problem

## **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