



# LAW 109

## Criminal Justice

S2 Day 2019

*Macquarie Law School*

### Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	3
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	7
<u>Unit Schedule</u>	8
<u>Policies and Procedures</u>	9
<u>Graduate Capabilities</u>	10
<u>Changes from Previous Offering</u>	13
<u>Changes since First Published</u>	14

#### **Disclaimer**

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## General Information

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### 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 and outline elements of offences and defences 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

Collaborate effectively with other students in group activities including in presentations and class discussions

Communicate effectively and persuasively, in verbal and written form

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 (4th ed). The Guide is available here <<https://law.unimelb.edu.au/mulr/aglc>>.

Assessments must be submitted in double line spaced text, 12 point, Times New Roman font. Headings and subheadings should be used where appropriate. No bibliographies are required.

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
<a href="#">LAW115 Skills Revision</a>	20%	No	Week 3, 11:59pm Friday 16th August
<a href="#">Problem Question 1</a>	30%	No	Week 8, 9am Monday 30th September 2019
<a href="#">Problem Question 2</a>	30%	No	Week 12, 11:59pm Friday 1st November 2019
<a href="#">Class Participation</a>	20%	No	Ongoing
<a href="#">Revision Quiz</a>	0%	Yes	9am Monday 11th November 2019 - 5pm Friday 15th November

### LAW115 Skills Revision

Due: **Week 3, 11:59pm Friday 16th August**

Weighting: **20%**

This formative assessment task asks students to apply the skills learnt in LAW115 to criminal law. It will require application of the principles of statutory interpretation, case brief writing and demonstration of other legal skills as learnt in LAW115.

The word limit will be approximately 1000 words.

On successful completion you will be able to:

- 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

## Problem Question 1

Due: **Week 8, 9am Monday 30th September 2019**

Weighting: **30%**

This problem question will focus on homicide law. Students will be presented with a hypothetical factual scenario and are required to apply the principles of criminal responsibility, the law of homicide and the law of defences to assess the criminal liability of a specific individual.

The word limit is 1500 words.

On successful completion you will be able to:

- Explain general doctrines of criminal responsibility and outline elements of offences and defences 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

## Problem Question 2

Due: **Week 12, 11:59pm Friday 1st November 2019**

Weighting: **30%**

This problem question will focus on a unit topic to be determined. Students will be presented with a hypothetical factual scenario and are required to apply the principles of criminal responsibility, the relevant offence provisions and common law, and the law of defences to assess the criminal liability of a specific individual.

The word limit is 1500 words.

On successful completion you will be able to:

- Explain general doctrines of criminal responsibility and outline elements of offences and defences 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

## Class Participation

Due: **Ongoing**

Weighting: **20%**

You will be required to 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 should apply for Special Consideration. 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 and outline elements of offences and defences 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
- Collaborate effectively with other students in group activities including in presentations and class discussions
- Communicate effectively and persuasively, in verbal and written form
- Demonstrate employability skills including attendance, punctuality, reliability and peer collaboration

## Revision Quiz

Due: **9am Monday 11th November 2019 - 5pm Friday 15th November**

Weighting: **0%**

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

This quiz will cover all of the unit's content. Students will be presented with 20 questions from a much larger question bank. Questions will be multiple choice format.

The quiz will become available at 9am on Monday 11th November and close at 5pm on Friday 15th November. The time limit is one hour from when the student commences.

The pass mark for this quiz is 75% (that is, minimum 15 correct answers out of 20). It is a hurdle assessment - a student cannot pass the unit without passing this assessment task.

Students who do not achieve a 75% pass mark on their first attempt will be allowed a second and, if necessary, third attempt. No more than 3 attempts will be allowed. There is a mandatory minimum 24 hour delay between attempts. All attempts must be made during the 5-day time period that the quiz is open.

This is a timed assessment task and late submissions will not be allowed.

On successful completion you will be able to:

- Explain general doctrines of criminal responsibility and outline elements of offences and defences 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

## 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 in 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).

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

### Lecture 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. Defences: self-defence, duress
7. Defences: mental illness, intoxication

Mid-semester break. On-Campus Session for external students: Monday 16th and Tuesday 17th September.

8. Assault
9. NO LECTURE OR TUTORIALS THIS WEEK DUE TO PUBLIC HOLIDAY
10. Property Offences
11. Sexual Assault



12. Drug Offences

13. Extended criminal liability

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

- Collaborate effectively with other students in group activities including in presentations and class discussions

### 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**

- Collaborate effectively with other students in group activities including in presentations and class discussions
- Communicate effectively and persuasively, in verbal and written form
- Demonstrate employability skills including attendance, punctuality, reliability and peer collaboration

## **Assessment tasks**

- LAW115 Skills Revision
- Problem Question 1
- Problem Question 2
- Class Participation

## **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 and outline elements of offences and defences in accordance with Priestley requirements for legal practice

## **Assessment task**

- Revision Quiz

## **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 and outline elements of offences and defences 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

- LAW115 Skills Revision
- Problem Question 1
- Problem Question 2
- Class Participation
- Revision 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

- 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

## Assessment tasks

- LAW115 Skills Revision
- Problem Question 1
- Problem Question 2
- Class Participation

## 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**

- LAW115 Skills Revision
- Problem Question 1
- Problem Question 2
- Class Participation

## **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

## **Assessment tasks**

- LAW115 Skills Revision
- Problem Question 1
- Problem Question 2
- Class Participation

## **Changes from Previous Offering**

The Learning Outcomes have been revised to reflect the course structure. The assessment structure has consequently been revised with the deletion of the Law Reform Submission task

and the addition of the Revision Quiz.

## Changes since First Published

Date	Description
25/07/2019	Addition of teaching staff