

LWZ105 CRIMINAL LAW AND PROCEDURE

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| Credit points: | 10 | Mode: | Internal / External |
| Assumed knowledge: | Completion of LWZ100A and LWZ100B; OR LWZ001 | Location: | Casuarina Campus / External |
| | | Learning method: | Online Resources |
| Year: | 2012 | | |
| Semester: | Semester 1 | Unit coordinator / Lecturer: | Tanjil Whitnell |
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UNIT DESCRIPTION

This unit covers material relating to **procedural** aspects of criminal law – the rules and regulations relating to the means by which substantive criminal law is prosecuted and defended with the criminal justice system.

Topics covered in this unit include; the source of the state and federal powers in relation criminal law; criminal law enforcement and associated matters such as police powers and bail; the roles of prosecution and defence; the courts and trial processes; fundamental rights and principles governing trials (ie the presumption of innocence); principles of sentencing; juvenile offenders; introduction to substantive offences, complicity and inchoate offences.

Due to the current state of legislative change within the Northern Territory Criminal Code, this unit takes an 'neutral' approach where ever possible, equipping students, where ever they may live, with the knowledge and ability to work as a lawyer within the criminal justice system. In relation to the introduction to substantive offences reference will be made to both the Queensland Criminal Code, and associated legislation, in relation to Code-based criminal law procedure, and also the common law.

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| <i>Unit Information Template: Version 4.0 13/11/09</i> | <i>Administered: TLQG</i> | <i>Approved: Senior DVC</i> | <i>Next Review: November 2010</i> |
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LEARNING OUTCOMES

1. Explain the jurisdiction of the different criminal courts and the role of the magistrate in determining bail and the admissibility of police evidence.
2. Discuss and apply some of the basic principles of the criminal law and criminal codes to hypothetical and real scenarios.
3. Identify and explain the law in relation to offences against the person and property, other parties and preliminary or inchoate offences.

TEACHING AND LEARNING STRATEGIES

- This is a unit with a heavy content volume. There is a lot of material to cover throughout the semester.
- This unit is taught primarily in the online mode through the weekly delivery of pre-recorded audio-visual (lecture) presentations along with written materials (Study Guides and supplementary materials), and online and on campus tutorial sessions.
- All unit materials will be made available on the unit Learnline site for all students, by close of business on Friday in the week preceding that in which the respective materials are to be utilised / reviewed.
- Information pertaining to administration of the unit content and its delivery will be disseminated to students through the Learnline site 'Announcements' function and via the student email facility.
- Effective organisation of time and study techniques is critical to the attainment of the Learning Outcomes described above. Student's are encouraged to utilise all materials and to seek clarification and help when needed.
- It will be assumed that students will have read the prescribed material prior to the topics being covered in the lectures. This reading is most important, as it will enable students to comprehend the issues covered in the audio-visual lecture presentations and written study materials.
- All students **must** attempt set exercises/problems **prior to attending** the relevant tutorial session.

PARTICIPATION

Students must be prepared to devote at least 10 hours study per week to this unit in order to attain the Learning Outcomes described above.

To successfully complete this unit students are required to attend / engage with / participate in the following:

- One or more weekly online audio-visual lecture presentations;

- **Internal** students: 1 x 1 hour tutorial per week;
- **External** students: 1 x 1.5 hrs online tutorial per week.

Students will note that there are no tutorials in the first week Semester. Tutorials commence in week 2 of semester.

TUTORIALS

Tutorials will consist of one or more of the following:-

- Problem based hypothetical scenarios whereby students are required to provide advice to hypothetical persons in relation to issues arising in the context of criminal law. Students will be required to adopt the IRAC methodology in completing these exercises
- Mini-moots whereby students are required to prepare and deliver oral argument as against each other in support of the hypothetical client's / prosecutor's case, by reference to relevant legal principles and authority.
- Discussions whereby students will be asked to research a particular issue commonly arising in the context of criminal law and deliver their results to their peers for critical discussion and debate.

The importance of preparing for, and attending, tutorials cannot be overstated.

Students intending to attend online tutorials (all external students) are required to self-enrol in a preferred online tutorial session. Details of the self-enrolment process can be found within the 'Collaborate ETutorial Rooms' content area of the Learnline website for this unit.

BLOGS:

Students are also encouraged to participate in meaningful exchanges of ideas, learning strategies and substantive information pertaining to criminal law issues and general discussion via the Learnline Blog forum.

TIME TABLES:

Specific details of individual class times can be obtained by accessing the class timetable at:

<http://skua.cdu.edu.au/swsodd/>

PRESCRIBED TEXTBOOKS

The following textbooks are prescribed in this unit. Students must have obtained a copy of each before the commencement of the Semester.

1. Heather Douglas , Kimberley Everton-Moore, Sue Harbidge, Laurie Levy, *Criminal Process in Qld and WA*, (2010), Lawbook Company, Thompson Reuters.
2. R G Kenny, *An Introduction to Criminal law in Qld & WA* (7th ed, 2008), Lexis Nexis Butterworths.

RECOMMENDED TEXTBOOKS

Highly recommended books that relate directly to the material covered in this unit:

1. **Mark Findlay, *Criminal Law Problems In Context*, (2nd ed 2006), Oxford Press.**
2. **Christopher Corns and Steven Tudor, *Criminal Investigation and Procedure – The Law in Victoria*, Lawbook Company, Thompson Reuters.**

Prescribed and recommend textbooks can be ordered through the CDU Bookshop website at www.cdu.edu.au/bookshop

LEARNLINE (ONLINE LEARNING SYSTEM)

Learnline is Charles Darwin University's on-line learning system.

PLEASE READ AND PRINT the document titled 'LWZ105 Criminal Law & Procedure Induction Manual', located in the 'Unit Information' content area of the Learnline website for this unit. This document will provide students with invaluable guidance in relation to Learnline, studying law at CDU and matters relating to this unit generally.

In this unit, Learnline will be used to:

- provide important announcements about the unit
- distribute audio-visual content, powerpoint slides, and other study materials including assessment information and materials
- complete online assessments
- access feedback from tasks and grades for assessable work
- provide a communication point where you contribute to discussions, and to interact with other students in the unit

You will need to connect to the Internet to access it, at <http://learnline.cdu.edu.au/>

Access to Learnline may not be available until Day 1 of Semester.

If this is your first time using Learnline, click on 'Student Learnline Support' in the left-hand navigation panel BEFORE logging in.

It is necessary that all students have access to regular, reliable and relatively fast internet access to complete unit requirements.

E-RESERVE

e-Reserve allows electronic copies of journal articles, book chapters and lecturer notes that have been recommended by a lecturer as part of their course reading requirements. You can access e-Reserve at <http://ereserve.cdu.edu.au.ezproxy.cdu.edu.au/cgi-bin/library?e=q-000-00---Ontlier--00-0-0-0prompt-10---4-----0-1l--1-en-50---20-about---00001-001-1-0utfZz-8-0&a=p&p=about>

This site is password protected. Your CDU student login will provide you access. You can then search for items by Lecturer, Unit Code, Title, Author, keyword, Year or Date if you have that information.

COURSE OUTLINE

| Duration / Module | Topics | Required readings or student learning activities to be completed | Assessments Due |
|---------------------------|--|--|-----------------|
| Week 1 | INTRODUCTION TO THE UNIT & CRIMINAL LAW | <i>See Learnline</i> | |
| Week 2 | INTRODUCTION TO CODES AND THE COMMON LAW | " | |
| Week 3 | THE POLICE SERVICE | " | |
| Week 4 | THE POLICE SERVICE <i>(continued)</i> | " | |
| Week 5 | THE PROSECUTION | " | |
| MID SEMESTER BREAK | MID SEMESTER BREAK | " | |
| Week 6 | THE JUDICIARY Courts and Court Processes | " | |
| Week 7 | THE JUDICIARY Courts and Court Processes' <i>(continued)</i> | " | |

Week 8 **CONSOLIDATION OF THE JUSTICE SYSTEM** "

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| Week 9 | SENTENCING, PRINCIPALS & OPTIONS & JUVENILE JUSTICE | " | |
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Week 10 **SENTENCING, PRINCIPALS & OPTIONS & JUVENILE JUSTICE**
(continued) "

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| Week 11 | INTRODUCTION TO SUBSTANTIVE OFFENCES | " | |
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Week 12 **REVISION** "

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OVERVIEW OF ASSESSMENT

| Item | Description/Focus | Value | Relates to learning outcomes |
|------|-------------------------------------|-------|------------------------------|
| 1. | Online Test | 10% | LO 1 and 2 |
| 2. | Non-Centrally Organised Online Exam | 50% | LO 1 and 2 |
| 3. | Non-Centrally Organised Online Exam | 40% | LO 2 and 3 |

ASSESSMENT AND LEARNING SCHEDULE

Assessment Item 1

Description/Focus: ONLINE TEST

Value: 10 %

Task: Students will be required to complete an Online Test consisting of multiple choice / short answer style questions relating to the materials covered in weeks 1 and 2 of Semester.

Assessment Item 2

Description/Focus: NON-CENTRALLY ORGANISED ONLINE EXAM

Value: 50%

Task: Students will be required to provide comprehensive answer(s) to one or more problem based scenarios utilising the IRAC method in relation to the materials cover in weeks 3-8 of Semester.

Assessment Item 3

Description/Focus: NON-CENTRALLY ORGANISED ONLINE EXAM

Value: 40 %

Task: Students will be required to provide comprehensive answer(s) to one or more problem based scenarios utilising the IRAC method in relation to the materials cover in weeks 9-11.

CDU GRADUATE ATTRIBUTES

CDU graduate attributes refer to those skills, qualities and understandings that should be acquired by students during their time at the University regardless of their discipline of study. (See <http://www.cdu.edu.au/teachingandlearning/gradattributes.html>).

In this unit, the following graduate attributes are developed:

| Attribute | Description | Learning outcomes |
|----------------|--|-------------------|
| Acquisition | Can identify, retrieve, evaluate and use relevant information and current technologies to advance learning and execute work tasks. | LO 1, 2, 3 |
| Application | Is an efficient and innovative project planner and problem solver, capable of applying logical and critical thinking to problems across a range of disciplinary settings and has self-management skills that contribute to personal satisfaction and growth. | LO 1, 2, 3 |
| Creativity | Can conceive of imaginative and innovative responses to future orientated challenges and research. | LO 1, 2, 3 |
| Knowledge base | Has an understanding of the broad theoretical and technical concepts related to their discipline area, with relevant | LO 1, 2, 3 |

connections to industry and professional knowledge.

Communication

Demonstrates oral, written, and effective listening skills in a cross generational environment.

LO 1, 2, 3

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