

LAWS6021: Advanced Criminal Law

Newcastle City Precinct
Semester 1 - 2024



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

OVERVIEW

Course Description	Advanced Criminal Law explores specialised themes in the criminal law related to the importance of the mental element in crime generally together with advanced analysis of mental state defences. Other topics will vary with each offering to reflect recent and significant issues in the criminal law and may include the role and impact of policing, the importance of sentencing law and practice, the federal-state framework of Australian criminal laws, and the elements and investigation of some particular criminal offences. The contemporary issues examined in the course will be set to reflect current reform and critical comment.
Skills Focus	This course will focus on assisting students to develop the following skills: <ol style="list-style-type: none">1. Practice context (advanced)2. Problem Solving (advanced)3. Critical thinking and logic
Requisites	This course is only available to students enrolled in the Juris Doctor/ Graduate Diploma in Legal Practice program, or in a Bachelor of Laws (Honours) combined program.
Assumed Knowledge	LAWS6000 Legal System and Method I, and LAWS6001 Legal System and Method II LAWS6120 Torts, and LAWS6121 Torts II LAWS6130 Criminal Law & Procedure LAWS6140 Contracts I, and LAWS6141 Contracts II LAWS6009 Evidence
Contact Hours	Newcastle City Precinct Seminar - Face to Face On Campus – Tuesdays 2.00pm to 4.00pm in Room X-502 for 12 weeks (Week 1 only breakout for audio-visual presentation 2.00pm to 3.00pm in Room UNH241) *Attendance is required at all seminar classes unless a reason for an absence can be established which is accepted in accordance with the University of Newcastle Adverse Circumstances policy. A roll call will be conducted in each class. See further under 'Compulsory Requirements' on page 3.
Unit Weighting	10
Workload	Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

COURSE OUTLINE

www.newcastle.edu.au

CRICOS Provider 00109J

CONTACTS

Course Coordinator	Newcastle City Precinct Professor John Anderson John.Anderson@newcastle.edu.au (02) 4921 7099 Consultation: Email or In Person on Wednesdays 1.00pm to 3.00pm during semester. Other times by appointment.
Teaching Staff	Other teaching staff will be advised on the course Canvas site.
School Office	School of Law and Justice Level 5 NU Space 409 Hunter Street Newcastle Law-School@newcastle.edu.au +61 2 4921 8666

SYLLABUS

Course Content	Topics in this course include: <ol style="list-style-type: none">1. "Crime and the mind" - thematic topic involving advanced analysis of intention, knowledge and volition in criminal responsibility, including joint criminal enterprises. Also, will involve advanced and integrated analysis of mental state defences in the criminal law.2. Focus studies on selected criminal offences using cases and/or hypothetical fact problems to look at the substantive elements of the offence, investigation, pre-trial and trial procedures by prosecution and defence, punishment and appeal issues.3. The principal agents in the administration of criminal justice - critical examination of the role and responsibilities of police, and the role and duties of prosecutors in the criminal justice system.4. Sentencing issues in the criminal justice system - advanced analysis of the theoretical principles of sentencing and their practical application in contemporary sentencing systems, as well as important contemporary issues in sentencing.6. Current Issues in Criminal Justice - to reflect any important issues of current theoretical and practical significance requiring synthesis of complex information and critical examination of proposed reforms not otherwise dealt with under fixed course content.
-----------------------	--

Course Learning Outcomes	On successful completion of this course, students will be able to: <ol style="list-style-type: none">1. Demonstrate specialised knowledge and advanced and integrated understanding of the current theoretical and practical issues relating to the concept of crime and the role of criminal law in society.2. Demonstrate specialised knowledge and advanced understanding of criminal responsibility, criminal offences, mental state defences, defences of compulsion, the principal agencies involved in the administration of criminal justice and sentencing.3. Critically evaluate the role of criminal law in the criminal justice system, including issues of policy, practice and procedure, which may influence the outcome of cases and formulation of legislation in this area of law.4. Critically analyse and synthesise complex information by applying principles of law in the specific context of the advanced study of criminal law.5. Apply advanced skills of legal research, oral and written communication, synthesis and analysis of primary and secondary legal materials, and analysis and evaluation of competing policy considerations.
---------------------------------	--

Course Materials	A textbook is not used in this course. The prescribed readings for each week are available electronically to students via Course Readings through the course Canvas site. See <i>Topic Information, Reading Guides and Discussion Questions</i> issued as a separate document for the required reading for each topic and class.
-------------------------	---

COMPULSORY REQUIREMENTS

In order to pass this course, each student must complete the following compulsory requirements:

Contact Hour Requirements:

There is a **compulsory attendance requirement** in this course. Attendance at all classes (seminars) will be monitored and records maintained by the Course Coordinator. In order to satisfy the “Attendance” requirement, students must be present at a minimum of 80% of scheduled classes as spelled out in the course outline, unless they are able to demonstrate that their absence falls within the University of Newcastle Adverse Circumstances policy. Unless this requirement is met, despite marks awarded in other assessment items, the student will receive a zero mark and an CF grade for the course.

Please note that meeting the attendance rule each week requires **meaningful attendance for the full one hour and fifty minutes of each class**. Partial attendance will not meet the attendance requirement for a given class unless prior approval has been given by the Course Coordinator or Lecturer. (To be clear, simply being present for purposes of the roll call does not on its own satisfy the attendance requirement. As such, even if you have been present for the roll call, if you leave early without permission you are agreeing that your attendance will not count for that week.)

Note also that if you miss more than 2 classes for reasons that fall within the University’s Adverse Circumstances policy you may be required to complete additional assessment items to ensure that you have completed the required volume of learning for this course.

SCHEDULE

Week	Date of Seminar Class	Topic	Learning Activities
1	27 February	1. Introduction to Advanced Criminal Law	Course Orientation, Advanced Issues in Criminal Responsibility and Criminal Law Practice – ‘Reckless Indifference’ stimulus material, Discussion Questions
2	5 March	2. Crime and the Mind – A. Whose fault? The centrality of the mental element in criminal offences - culpability	Lecture, Thought Provokers and Discussion Questions, Review Problem.
3	12 March	B. The liability of the ‘like-minded’ - complicity	Lecture, Thought Provokers and Discussion Questions, Review Problem.
4	19 March	C. ‘Unsound minds’ – capacity and competence	Lecture, Thought Provokers and Discussion Questions, Review Problem.
5	26 March	D. When the mind is ‘overborne’ - compulsion	Lecture, Thought Provokers and Discussion Questions, Review Problem.
6	2 April	NO CLASS SCHEDULED – EASTER UNIVERSITY HOLIDAY	
7	9 April	E. Inside the mind of an arsonist – criminality	Case study, General Discussion Questions
13 April – 28 April (inclusive) – SEMESTER 1 RECESS – NO CLASSES			
8	30 April	3. Investigation and Prosecution of Crime – A. Policing	Lecture, Police Powers & Responsibilities Problem Question, Advanced Issues in Modern Policing, Thought Provoker.
9	7 May	B. The Prosecutors	Guest Lecture, Discussion, Review Problem
10	14 May	4. Sentencing Theory and Practice – A. Theories of punishment and judicial approach	Lecture, Thought Provokers and Discussion/Reflection Questions
11	21 May	B. Sentencing practice and current sentencing issues	Lecture, Sentencing Practice Exercises, Guest Lecture, Current sentencing issues discussion and reflection. <i>Optional Student Research Presentations</i>
12	28 May	5. Contemporary Issues in Criminal law and Justice A. Post-Conviction Review B. Elder abuse as crime	Guest Lecture, Policy issues discussion <i>Optional Student Research Presentations</i>
13	4 June	<i>Final Assessment Task – 24 Hour Time-Limited– Date to be fixed in this week</i>	

ASSESSMENTS

This course has 3 assessment items in each Stream (Streams A & B). Each assessment is described in more detail in the sections below.

There are **TWO (2) ASSESSMENT STREAM OPTIONS** in this course. **Assessment Stream A** tests student achievement of all course learning outcomes through **three (3) compulsory** assessment items set by the Course co-ordinator. These are a major problem-solving assignment, a reflective blog on an issue of current significance in the criminal law, and a time-limited final assessment task. **Assessment Stream B** tests student achievement of all course learning outcomes through **two (2) compulsory and one (1) optional** assessment item. In this stream students must devise their own criminal law research question by initially preparing a research proposal and, once approved, writing a major research paper. Students have the option of making an oral presentation on their research project in one of the Week 11 or 12 seminar classes. If a presentation is made then students will have a reduced weighting on the time-limited final assessment task set by the Course co-ordinator.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
ASSESSMENT STREAM A					
1	Mid-term Assignment	Monday 29 April 2024 at 9.00pm	Individual	40%	2, 4, 5
2	Current Issue Reflective Blog	Monday 27 May 2024 at 9.00pm	Individual	20%	1, 3, 5
3	Time-limited Final Assessment Task	Will be scheduled in Week 13 of Semester 1 commencing 3 June	Individual	40%	1, 2, 3, 4, 5
ASSESSMENT STREAM B					
1	Research Paper	Friday 17 May 2024 at 9.00pm	Individual	60%	1, 2, 3, 4, 5
2	Class Presentation (Optional)	Tuesday 21 May or 28 May 2024 – time to be advised	Individual	20% (if chosen)	1, 3, 4, 5
3	Time-limited Final Assessment Task	Will be scheduled in Week 13 of Semester 1 commencing 3 June	Individual	20% or 40% (depends if presentation completed)	1, 2, 3, 4, 5

Late Submissions

The mark for an assessment item **submitted after the designated time on the due date**, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.

Exceeding Word Limit [See School of Law and Justice, *Style Guide on Written Assessment Items*]

Where a **word limit** is set for an assessment item it **must not be exceeded**.

1. Students must accurately record the word count on the written assessment item cover sheet. Please note that *Turnitin* also reports a word count for any task submitted through that software.
2. The word count identified in the Course Outline is the absolute word limit for an assessment task. **If a written assessment item exceeds the word limit, the marker will not read beyond the word limit. Any material beyond the word limit will not be considered in assessing the quality of the assessment item.**
3. Footnotes and any bibliography are not included in the word count. However, footnotes must only be used for the purposes of providing references. Footnotes which add commentary will be included in the word count for the written assessment item

School Assessment Board Approval of Results

To ensure that grades are fair both within and between courses and cohorts, The School of Law and Justice has a rigorous policy of moderating and reviewing assessment. The School Assessment Board (SAB) reviews all final grades before they are released to students, and the SAB process may result in the overall marks of a class being moved up or down by a specific amount, thus impacting individual marks. This is consistent with grading practices in other Law Schools across the country and important to ensure the integrity of assessment. This means that the final grade you are awarded may not be the sum of marks you have received in all assessments.

Assessment 1

Assessment Type Description

Mid-term Assignment - Stream A

Written Assignment – **maximum of 2000 words**

Provided with a factual problem, students engage in legal analysis and effectively apply the relevant principles of criminal law and appropriate dispute resolution mechanisms to the problem. They apply lateral thinking and problem-solving skills to successfully resolve the issues. They effectively communicate in writing through a synthesis and analysis of primary and secondary legal materials in solving a criminal law problem at an advanced level.

Weighting

40%

Due Date

Monday 29 April 2024 at 9.00pm

Submission Method

Electronically via *Turnitin* portal for 'Mid-term Assignment' at Course Canvas site.

Note that it is the student's responsibility to keep a copy of each assessment task that is submitted.

Assessment Criteria	Student performance in this assessment item will be evaluated with reference to the following criteria: <ul style="list-style-type: none">• Knowledge and advanced understanding of relevant criminal law offences, procedure and defences.• Capacity to identify the issues from the factual scenario and then analyse and apply the relevant principles of criminal law and appropriate dispute resolution mechanisms in that specific context.• Capacity to formulate and evaluate alternative legal strategies in analysing the issues identified.• Ability to present a planned, well organised, accurate, clear and concise written answer to the problem within a set word limit.
Return Method	Students can nominate whether they want their paper returned electronically with a mark and feedback or have their mark made available in their 'Grades' without feedback.
Feedback Provided	Individual feedback will be provided electronically upon request.

Assessment 2 **Current Issue Reflective Blog - Stream A**

Assessment Type Description	Online Learning Activity – maximum of 800 words Allowed wide parameters to select a current criminal law issue, which is not covered in the course topics, students must relate the blog to a case, legislation, policy or procedural issue that has been decided, debated or discussed during the currency of the course or within a period of 12 months prior to the commencement of the course. They apply critical thinking skills to evaluate the formation, content and dynamic operation of the criminal law. They effectively communicate through electronic posting of a written blog that is a succinct, coherent and critical examination of, and reflection on, a current criminal law issue.
Weighting	20%
Due Date	<u>Monday 27 May 2024 at 9.00pm</u>
Submission Method	Electronically via 'Current Issue Reflective Blog' at the course Canvas site. Note that it is the student's responsibility to keep a copy of each assessment task that is submitted.
Assessment Criteria	Student performance in this assessment item will be evaluated with reference to the following criteria: <ul style="list-style-type: none">• Depth of understanding and interpretation of key theoretical, policy, practical and/or procedural matters raised by the current criminal law issue.• Insight into the current criminal law issue through reasoned and critical examination and reflection on the key theoretical, policy, practical and/or procedural matters raised.• Ability to present a planned, well organised, accurate, clear and concise blog posting within a set word limit.
Return Method	Graded online
Feedback Provided	Brief individual feedback will be provided in the 'Feedback' section of the Blog Grade online

Assessment 3 **Time-Limited Final Assessment Task - Stream A**

Assessment Type Description	In Term Test The purpose of this final assessment task is to test students' progressive and cumulative knowledge and understanding at an advanced level of criminal responsibility, criminal offences, defences and the principal agencies involved in the administration of criminal justice and sentencing. Further, students' ability to critically examine the role of the criminal law in the criminal justice system and in society will be tested through an optional essay question. Students apply lateral thinking skills to solve legal problems in the specific context of the advanced study of criminal law and critical thinking skills to analyse the formation, content and operation of the criminal law, and to evaluate and critically reflect on the dynamic interaction of criminal law and society. They effectively communicate in writing through a synthesis, analysis and evaluation of primary and secondary legal materials in the context of solving criminal law problems through appropriate dispute resolution mechanisms and constructing an essay about a dynamic criminal law policy issue at an advanced level.
Weighting	40%
Due Date	<u>Date to be advised in Week 13 of Semester 1 commencing 3 June 2024</u>

Submission Method	Electronically via <i>Turnitin</i> portal for 'Time-limited Final Assessment Task' at the Course Canvas site. Note that it is the student's responsibility to keep a copy of each assessment task that is submitted.
Assessment Criteria	Student performance in this assessment item will be evaluated with reference to the following criteria: <ul style="list-style-type: none">• Knowledge and advanced understanding of relevant criminal law offences, procedure and defences.• Capacity to identify the issues from factual scenarios and then analyse and apply the relevant principles of criminal law through appropriate dispute resolution mechanisms in that specific context.• Capacity to formulate and evaluate alternative legal strategies in analysing the issues identified.• Capacity to present a persuasive and well-reasoned argument in relation to a dynamic criminal law policy issue.• Ability to present planned, well organised, accurate, clear and concise written answers within a circumscribed time frame and set word limit.
Return Method	Not applicable
Feedback Provided	No feedback is provided in relation to this assessment item apart from a final course mark. Students can request an appointment with the examiner for individual feedback on their performance in the examination following the release of final course marks.

Assessment 1

Assessment Type Description

Research Paper - Stream B

Written Assignment – **maximum of 3000 words**

The purpose of the research paper is to give students an opportunity to undertake a moderate length research project by devising their own criminal law research question other than questions relating to material covered in course topics. They apply research skills in locating and synthesising relevant primary and secondary sources for their project. They apply critical thinking skills to evaluate the formation, content and dynamic operation of the criminal law or criminal justice system. They come to understand, evaluate and critically reflect upon the interaction of criminal law and society. They demonstrate the technical and cognitive skills required to plan and conduct an independent advanced legal research task. They effectively communicate at an advanced level in writing through a synthesis, analysis and evaluation of primary and secondary legal materials in the context of an independent and specific criminal law research task.

Weighting

60%

Due Date

Friday 17 May 2024 at 9.00pm

Submission Method

Electronically via *Turnitin* portal for 'Research Paper' at the Course Canvas site.

Note that it is the student's responsibility to keep a copy of each assessment task that is submitted.

Assessment Criteria

Student performance in this assessment item will be evaluated with reference to the following criteria:

- Extent of conceptual understanding of the criminal law and/or policy issues raised by the research topic.
- Quality and depth of research relevant to the specific topic area.
- Capacity for critical evaluation in weighing of the relative merits of alternative arguments and logical development of own argument to establish a primary thesis.
- Ability to present a planned, well organised, accurately referenced, clear and concise response to the research question devised within a set word limit.

Return Method

Students can nominate whether they want their paper returned electronically with a mark and feedback or have their mark made available in their 'Grades' without feedback.

Feedback Provided

Individual feedback will be provided electronically upon request.

Assessment 2

Assessment Type Description

Class Presentation (Optional) - Stream B

Presentation – **up to 15 minutes duration (including at least 3 minutes for questions)**
The purpose of the class presentation is to give students the option to present material to the class representing an informative and succinct statement of their research project. They apply critical thinking skills to evaluate the formation, content and dynamic operation of the criminal law or criminal justice system. They come to understand, evaluate and critically reflect upon the interaction of criminal law and society. They effectively communicate through a concise and time restricted oral synthesis, analysis and evaluation of primary and secondary legal materials in the context of a specific and independent criminal law research task.

Weighting

20%

Due Date

Tuesday 21 May 2024 or Tuesday 28 May 2024 – time to be advised

Submission Method

Presentation given in class – no documents to be submitted

Assessment Criteria

When making a class presentation of their research topic, the student will be assessed with regard to the following matters:

- ✓ Depth of understanding of criminal law and/or policy issue/s raised by the topic.
- ✓ Evidence of relevant and sufficient research relating to the specific topic area.
- ✓ Adequate and accurate treatment of the issues in presentation of the material.
- ✓ Logically developed presentation including informed critique of relevant principles and/or concepts where necessary.
- ✓ Effective presentation in time allocated, including appropriate length and stimulation of class discussion of relevant issues.

Return Method

Not applicable

Feedback Provided

Brief verbal feedback from Course Co-ordinator at conclusion of presentation AND Individual written feedback on a feedback sheet in the week following the presentation.

Assessment 3

Assessment Type Description

Time-Limited Final Assessment Task - Stream B

In Term Test

The purpose of this final assessment task is to test students' progressive and cumulative knowledge and understanding at an advanced level of criminal responsibility, criminal offences, defences and the principal agencies involved in the administration of criminal justice and sentencing. Further, students' ability to critically examine the role of the criminal law in the criminal justice system and in society will be tested through an optional essay question. Students apply lateral thinking skills to solve legal problems in the specific context of the advanced study of criminal law and critical thinking skills to analyse the formation, content and operation of the criminal law, and to evaluate and critically reflect on the dynamic interaction of criminal law and society. They effectively communicate in writing through a synthesis, analysis and evaluation of primary and secondary legal materials in the context of solving criminal law problems through appropriate dispute resolution mechanisms and constructing an essay about a dynamic criminal law policy issue at an advanced level.

Weighting

40% OR 20% (if optional class presentation assessment item completed)

Due Date

Date to be advised in Week 13 of Semester 1 commencing 3 June 2024

Submission Method

Electronically via *Turnitin* portal for 'Time-Limited Final Assessment Task' at Course Canvas site.

Note that it is the student's responsibility to keep a copy of each assessment task that is submitted.

Assessment Criteria

Student performance in this assessment item will be evaluated with reference to the following criteria:

- Knowledge and advanced understanding of relevant criminal law offences, procedure and defences.
- Capacity to identify the issues from factual scenarios and then analyse and apply the relevant principles of criminal law through appropriate dispute resolution mechanisms in that specific context.
- Capacity to formulate and evaluate alternative legal strategies in analysing the issues identified.
- Capacity to present a persuasive and well-reasoned argument in relation to a dynamic criminal law policy issue.

- Ability to present planned, well organised, accurate, clear and concise written answers within a circumscribed time frame and set word limit.

Return Method

Not applicable

Feedback Provided

No feedback is provided in relation to this assessment item apart from a final course mark. Students can request an appointment with the examiner for individual feedback on their performance in the examination following the release of final course marks.

ADDITIONAL INFORMATION

Grading Scheme

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction (HD)	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

*Skills are those identified for the purposes of assessment task(s).

Communication Methods

Communication methods used in this course include: Emails to UoN Student Email accounts, Announcements on course Canvas site.

Course Evaluation

Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.

Oral Interviews (Vivas)

As part of the evaluation process of any assessment item in this course an oral examination (viva) may be conducted. The purpose of the oral examination is to verify the authorship of the material submitted in response to the assessment task. The oral examination will be conducted in accordance with the principles set out in the [Oral Examination \(viva\) Procedure](#). In cases where the oral examination reveals the assessment item may not be the student's own work the case will be dealt with under the [Student Conduct Rule](#).

Academic Misconduct

All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity and Ethical Academic Conduct Policy, refer to <https://policies.newcastle.edu.au/document/view-current.php?id=35>.

Adverse Circumstances

The University acknowledges the right of students to seek consideration for the impact of allowable adverse circumstances that may affect their performance in assessment item(s). Applications for special consideration due to adverse circumstances will be made using the

online Adverse Circumstances system where:

1. the assessment item is a major assessment item; or
2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply via the online Adverse Circumstances system;
3. you are requesting a change of placement; or
4. the course has a compulsory attendance requirement.

Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at: <https://policies.newcastle.edu.au/document/view-current.php?id=236>

Important Policy Information

The 'HELP for Students' tab in UoNline contains important information that all students should be familiar with, including various systems, policies and procedures.

Wellness Contacts

There are a variety of pressures on law students, and being able to perform well academically under pressure, without excessive stress will contribute to enhanced outcomes in wellbeing and academic results. Reach out to support services and learn ways to maintain your mental health, deal with stress and common issues like perfectionism, procrastination and anxiety.

To access UON support:

<https://www.newcastle.edu.au/current-students/support/personal>

Ph: 4921 6622 or email: counselling@newcastle.edu.au

For support outside of office hours call the University Crisis Support Line on 1300 653 007 or for chat SMS 0488 884 165.

For immediate support contact Lifeline 24/7 on 13 14 11 or <https://www.lifeline.org.au/>

This course outline was approved by the Head of School. No alteration of this course outline is permitted without Head of School approval. If a change is approved, students will be notified and an amended course outline will be provided in the same manner as the original.