

LAWS6047: Legal System of Australia

Newcastle City Precinct
Semester 1 - 2024



OVERVIEW

Course Description	This course provides an overview of the Australian legal system. It is designed specifically for international students (ie those students who have completed undergraduate legal education outside Australia). The course introduces the Australian constitutional framework and reviews the nature and operation of the principle institutions comprising the Australian legal system. It also examines the interrelationship of Australian domestic and international law. Students develop skills in case analysis and statutory interpretation essential to solving legal problems in the Australian context. The course also supports students in developing legal research skills to locate and retrieve primary legal source material in the Australian context. In addition, the course continues the process of professional legal education, focusing especially on oral communication with legal audiences and self-management skills for professional practice.
Requisites	This course is only available to students enrolled in the Masters of Laws program
Assumed Knowledge	Nil
Contact Hours	Newcastle City Precinct Seminar Face to Face On Campus 2 hour(s) per Week for Full Term Workshop Face to Face On Campus 1 hour(s) per Week between Week 1–Week 8, Moot attendance during weeks 9–12
Unit Weighting Workload	10 Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

COURSE OUTLINE

CONTACTS

Course Coordinator	Newcastle City Precinct Dr Suzana Nashkova Suzana.Nashkova@newcastle.edu.au (02) 4955 3128 Consultation: By appointment
Teaching Staff	Other teaching staff will be advised on the course Canvas site.
School Office	Newcastle School of Law and Justice 5th Floor NU Space 409 Hunter Street Newcastle Law-School@newcastle.edu.au +61 2 4921 8666

SYLLABUS

Course Content	The topics in this course include: <ol style="list-style-type: none">1. Sources of law in the Australian legal system2. The operation of a common law legal system3. The Australian Judicial System and the Doctrine of Precedent4. Statutory Interpretation5. The Australian Constitutional Framework in context6. The role of international law in the Australian context7. Advanced legal research for professional legal practice8. Introduction to Appellate Advocacy
Skills focus	On successful completion of this course, students will be able to: <ol style="list-style-type: none">1. Gain an advanced and integrated understanding of the Australian constitutional framework, and the principle institutions comprising the Australian legal system;2. Specialized skills in statutory interpretation;3. Advanced capacities in applying legal knowledge to analyse and resolve legal problems;4. A developing capacity for self-management in academic and professional contexts;5. Developing technical skills in professional legal writing6. Oral communication skills appropriate to professional legal audiences;7. Observe and interpret court etiquette.
Course Materials	Prescribed texts <ul style="list-style-type: none">■ David Hamer, Judith Jones, Patrick O'Mara, Belinda Smith and Tristan Taylor, <i>Laying Down the Law</i> (LexisNexis Butterworths, 12th ed, 2024) (e-book available via UoN Library, limited access).■ Ben Gussen, <i>LexisNexis Questions and Answers: Constitutional Law</i> (5th ed, 2024) (e-book available via UoN Library, limited access). Recommended texts <ul style="list-style-type: none">■ Kath Hall and Claire Macken, <i>Legislation and Statutory Interpretation</i> (LexisNexis, 5th ed, 2021) (e-book available via UoN Library, limited access).■ Matt Harvey, Ian Killey, and Daniel Goldsworthy, <i>Australian Constitutional Law and Government</i> (LexisNexis Butterworths, 2021) (e-book available via UoN Library, limited access). Weekly reading guides will be provided via the Course Canvas site, and additional readings will be made available on Canvas.

SCHEDULE

Week	Week Begins	Legal System	Legal Method	Assessment Due
1	26 Feb	Introduction/ Review of Fundamental Concepts	Introduction; Self-management for Legal Professionals	
2	04 Mar	Sources of law in the Australian legal system Legal Research: Legislation	Legal Advocacy (Mooting)	
3	11 Mar	Statutory Interpretation Legal Research: Legislation	Legal Advocacy (Mooting)	
4	18 Mar	Statutory Interpretation Legal Writing	Legal Advocacy (Mooting)	
5	25 Mar	Statutory Interpretation Legal Writing	Legal Advocacy (Mooting)	
6	01 Apr	Statutory Interpretation Legal Writing	Legal Advocacy (Mooting)	In-class quiz in Seminar
7	08 Apr	Australian Constitutional Framework	Legal Advocacy (Mooting)	
Mid-Term Break				
Mid-Term break				
8	29 Apr	Australian Constitutional Framework	Legal Advocacy (Mooting)	
9	06 May	Australian Constitutional Framework	No Workshop	Moots
10	13 May	Australian Constitutional Framework	No Workshop	Moots
11	20 May	Australian Constitutional Framework	No Workshop	
12	27 May	Australian Constitutional Framework	No Workshop	
13	03 Jun	No class	No Workshop	Formal Exam in examination period

ASSESSMENTS

This course has 4 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	In Class Quiz - statutory interpretation	In-class quiz in your designated seminar for Legal System (short answers) in Week 6.	Individual	20%	1, 3, 5, 6
2	Moot Oral Submissions	Week 9 (potentially weeks 10–12)	Individual, pairs and teams	30%	1, 2, 3, 4, 6, 7, 8, 9
3	Formal Exam: Legal system - Problem Solving in Statutory Interpretation and Constitutional Law	To be advised	Individual	50%	1, 2, 3, 4, 5, 6
4	Attendance	Applicable to all seminars and workshops - 80% attendance required or mandatory fail	Individual	Pass/Fail	7. 8. 9

Please note: To ensure that grades are fair both within and between courses and cohorts, Newcastle 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 is 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.

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. You are entitled to apply for special consideration if adverse circumstances have had an impact on your performance in an assessment item. This includes applying for an extension of time to complete an assessment item. Prior to applying, you must refer to the Adverse Circumstances Affecting Assessment Items Policy, available at https://policies.newcastle.edu.au/document/view-current.php?id=235 If you require an extension, please lodge an application for adverse circumstances the online Adverse Circumstances system, along with supporting documentation. No resubmissions are permitted for any assessments.
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Assessment 1 - In Class Quiz - Legal Systems Statute Quiz

Assessment Type	In class quiz
Description	Open book
Weighting	20%
Due Date	Week 6 Seminar
Submission Method	In-class test. (Short answers)
Assessment Criteria	The quiz tests the student's knowledge of key concepts and terminology in statutory interpretation.
Return Method	N/A
Feedback Provided	Feedback provided via Canvas

Assessment 2 - Oral Moot Submissions

Assessment Type	Presentation
Description	The moot appearance introduces students to appellate advocacy and the requirements of court etiquette. Students work in pairs to prepare legal submissions and present an oral argument in response to a moot problem.
Weighting	30%
Compulsory Requirements	Attempt / Submission Requirement - Students must attempt/submit this assessment item to pass the course.
Due Date	Week 9 (potentially weeks 10–12)
Submission Method	Oral submission.
Assessment Criteria	Assessment criteria and detailed instructions for this task will be provided to students in week 3.
Return Method	From the Course Coordinator
Feedback Provided	Yes
Opportunity to Reattempt	Students WILL NOT be given the opportunity to reattempt this assessment.

Assessment 3 - Formal Exam: Legal system - Problem Solving in Statutory Interpretation and Constitutional Law

Assessment Type	Formal open–book examination
Description	Notes and books (other than University library books) may be used. The exam will require application of the principles taught in the course to fact situations and provide a critical commentary on aspects of the Australian Constitution and statutory interpretation. Students are, of course, responsible for arranging to be available for the allocated examination dates when they are published according to University procedures.

Due Date	To be advised
Weighting	50%
Submission Method	Formal
Assessment Criteria	<p>Constitutional Framework in exam: In providing a critical commentary, students give attention to the identification of contexts in the extract, analysis of its content, and an assessment of its significance for the constitutional framework. Students apply critical thinking skills to write a commentary on selected extracts of primary data drawn from legal materials. Each student employs the correct legal language and terminology, reads and analyses case law effectively to structure and present a coherent and persuasive written argument incorporating the supplied legal data.</p> <p>Statute Problem Solving Exercise in exam: This exercise assesses by means of problem questions the student's statutory knowledge and interpretation. Using lateral thinking, students apply relevant statutory provisions and regulations to solve legal problems through the range of available dispute resolution mechanisms. Students use this specialised knowledge of law and its application to demonstrate their capacity to provide professional advice to a range of audiences.</p>
Return Method	N/A
Feedback Provided	On an individual basis as requested

Assessment 4 – Compulsory Attendance at Seminars and Workshops

Assessment Type	Attendance at seminars and workshops
Description	Attendance and active participation requirement
Weighting	Irrespective of a student's mark, if a student has achieved overall marks greater than 50% in a course but has failed to satisfactorily complete a compulsory course requirement then a zero mark and fail grade (FF) will be recorded on their transcript.
Submission Method	Presence
Assessment Criteria	<p>Attendance at all classes (seminars and workshops) will be monitored by the keeping of a roll, usually in the form of a sign-in sheet or roll call; the roll will be recorded. To satisfy this 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 Adverse Circumstances policy. Unless this requirement is met, despite marks awarded in other assessment items, the student will receive a zero mark and an FF grade for the course. Please note 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.</p> <p>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.)</p> <p>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.</p>
Return Method	N/A
Feedback Provided	N/A

ADDITIONAL INFORMATION

Communication Methods	Communication methods used in this course include:
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)	After you have submitted your final assessment/online quiz, you may be required to take part in a Viva (also called an oral exam) for quality assurance purposes. A Viva will consist of an interview with one or perhaps two staff conducted via Zoom, and will last approximately 10 minutes. During this time, you will be asked questions about the answers you have provided in the assessment/online quiz. For instance, you may be asked about the workings or rationale behind the way you structured an assessment response or a couple of questions from the quiz. This will help us verify your knowledge of a topic, demonstrate that it is your own work and provide informative feedback to staff to help them make enhancements to future examination/assessment papers.
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 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: <ol style="list-style-type: none">1. the assessment item is a major assessment item; or2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply the online Adverse Circumstances system;3. you are requesting a change of placement; or4. 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/
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.

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).

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.

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