



The University of Southern Queensland

## Course specification

The current and official versions of the course specifications are available on the web at <http://www.usq.edu.au/coursespecification/current>.  
Please consult the web for updates that may occur during the year.

### Description: Advanced Legal Process and Research

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	5501	75301	1, 2008	EXT	1.00	Toowoomba

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	090900

## STAFFING

Examiner: Caroline Hart

## OTHER REQUISITES

Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/business/aboutfob.htm>

## SYNOPSIS

Law reaches into all corners of modern life and underpins the principles that regulate relationships between individuals and groups. This course introduces students to the foundations of the Australian legal system and institutions, and the mechanics of legal research and analysis. The foundation of the Australian legal system addresses the sources of law; the passage of statutes through parliament, the development of common law through precedent and statutory interpretation. Legal research and analysis provides essential skills in locating the law, analysing the law and communicating the law effectively.

## OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item/s that may be used to assess student achievement of an objective is/are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. describe the development of the Australian legal system (Online Test)
2. define and discuss the fundamental basis of the legal system and sources of law (Online Test)
3. explain how statute law is made and interpreted (Online Test)
4. explain how common law is developed by judges (Online Test)
5. explain and apply the doctrine of precedent (Assignment)
6. explain and apply the rules of statutory interpretation (Assignment)
7. demonstrate the ability to research and analyse primary, secondary, domestic legal sources in both print and electronic formats (Research Record)
8. apply methods of legal citation (Annotated Bibliography)

9. identify and analyse legal issues and illustrate the ability to apply the principles dealt with in this course in a legal context (Assignment)
10. communicate effectively and clearly the results of legal research and analysis (Research Record, Assignment).

## TOPICS

Description	Weighting (%)
1. Introduction to the Australian legal system and legal institutions	5.00
2. The Australian Constitution and the role of the legislature, executive and judiciary	10.00
3. Sources of law - parliament and statute law	5.00
4. Sources of law - courts and judge made law	5.00
5. Introduction to legal research - secondary sources and primary sources	15.00
6. Interpretation of the law - statutory interpretation	15.00
7. Interpretation of the law - precedent	15.00
8. Introduction to legal writing and methods of legal citation	25.00
9. Overview of study skills	5.00

## TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

Butterworths legal dictionary (latest edition).

Butterworths legal dictionary, Laying down the law, and Grammar for lawyers are available as a package from the USQ Bookshop.

Australian guide to legal citation.

Cook, C, Creyke, R, Geddes, R & Hamer, R 2005, *Laying down the law*, 6th edn, LexisNexis, Chatswood, New South Wales.

Meehan, M & Tulloch, G 2007, *Grammar for lawyers*, 2nd edn, LexisNexis, Chatsworth, New South Wales.

## REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

A list of recommended references will be available on the Study Desk prior to semester 1.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessments	40.00
Directed Study	50.00
Private Study	85.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date
ONLINE TEST	10.00	10.00	17 Mar 2008 (see note 1)
CASE NOTE	20.00	0.00	07 Apr 2008 (see note 2)
RES RECORD & ANNOTATED BIB	50.00	50.00	19 May 2008 (see note 3)
MAJOR ASSIGNMENT	40.00	40.00	16 Jun 2008 (see note 4)

### NOTES

1. Multiple-choice test conducted via computer.
2. The precedent case note is formative assessment only and will be graded. The completion of this assessment is important to gain feedback for this course.
3. Research record (containing reflections on research) with annotated bibliography. The research record is worth 40% and the annotated bibliography is worth 10%.
4. Written assignment dealing with case law, precedent and statutory interpretation. The written assignment will be linked to material researched as part of the research record.

## IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:  
If you are an international student in Australia, you are advised to attend all classes at your campus. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:  
To satisfactorily complete an individual assessment item a student must achieve at least 50% of the marks. (Depending upon the requirements in Statement 4 below, students may not have to satisfactorily complete each assessment item to receive a passing grade in this course.)
- 3 Penalties for late submission of required work:  
If students submit assignments after the due date without prior approval of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.
- 4 Requirements for student to be awarded a passing grade in the course:

To be assured of receiving a passing grade a student must achieve at least 50% of the total weighted marks available for the course.

5 Method used to combine assessment results to attain final grade:

The final grades for students will be assigned on the basis of the weighted aggregate of the marks (or grades) obtained for each of the summative assessment items in the course.

6 Examination information:

There is no examination in this course.

7 Examination period when Deferred/Supplementary examinations will be held:

Not applicable.

8 University Regulations:

Students should read USQ Regulations 5.1 Definitions, 5.6 Assessment, and 5.10 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at

<http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Policies and Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.