



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 | 79360 | 2, 2008 | ONC | 1.00 | Toowoomba |

| | |
|-----------------------------------|--------|
| Academic group: | FOBUS |
| Academic org: | FOB010 |
| Student contribution band: | 3 |
| ASCED code: | 090900 |

STAFFING

Examiner: Caroline Hart
Moderator: Reid Mortensen

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 (Case Note)
6. explain and apply the rules of statutory interpretation (Statutory Interpretation Assignment)
7. demonstrate the ability to research and analyse primary, secondary, domestic legal sources in both print and electronic formats (Research Diary)

8. apply methods of legal citation (Case Note, Research Diary, Statutory Interpretation Assignment)
9. identify and analyse legal issues and illustrate the ability to apply the principles dealt with in this course in a legal context (Case Note, Statutory Interpretation Assignment)
10. communicate effectively and clearly the results of legal research and analysis (Research Diary, Case Note, Statutory Interpretation 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).

Australian guide to legal citation.

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

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 |
| Lectures | 39.00 |
| Private Study | 36.00 |

ASSESSMENT DETAILS

| Description | Marks out of | Wtg (%) | Due date |
|-------------------------------|--------------|---------|-----------------------------|
| CASE NOTE | 20.00 | 20.00 | 29 Aug 2008 |
| ONLINE TEST | 20.00 | 20.00 | 12 Sep 2008 (see note 1) |
| RESEARCH DIARY | 30.00 | 30.00 | 10 Oct 2008 |
| STATUTORY INTERPRETATN ASSIGN | 30.00 | 30.00 | 31 Oct 2008 |

NOTES

1. Multiple-choice test conducted via computer.

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and to study all material provided to them or required to be assessed 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>.