



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: Criminal Law B

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	3423	91255	2, 2009	ONC	1.00	Springfield

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

### STAFFING

Examiner: Eola Barnett  
Moderator: Craig Burgess

### REQUISITES

Pre-requisite: LAW2205

### OTHER REQUISITES

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

### SYNOPSIS

This course will build upon the understanding of the fundamental principles of criminal law and procedure acquired in Criminal Law A. Specifically the aim of the course will be to complete the criminal law picture by further exploring criminal law in Queensland. The course will focus on a range of indictable offences against the person that fall principally within the jurisdiction of the District and Supreme courts, and associated excuses and defences. The course will also cover: parties to offences; attempts; double jeopardy; the sentencing of serious violent offenders; and advocacy.

### OBJECTIVES

On successful completion of this course, students should be able to:

1. deconstruct and understand selected Criminal Code (Qld) offences against the person, and a range of criminal law defences and excuses
2. understand the nature of the party, attempts and double jeopardy provisions in the Criminal Code (Qld)
3. understand criminal processes and sentencing principles relating to serious violent offenders in Queensland

4. understand the relationship between criminal offences and case law, and the role of counsel, judge and jury
5. apply, using appropriate problem solving methodologies, the criminal law to problems on selected offences in order to determine the likely outcome to issues
6. demonstrate satisfactory written and oral communication skills
7. apply methods of legal citation and referencing
8. locate, through research, and analyse primary law and secondary materials, relevant to topics considered in this course.

## TOPICS

Description	Weighting (%)
1. Selected fatal offences against the person	11.00
2. Selected non fatal offences against the person	11.00
3. Advocacy skills	11.00
4. Provocation and self defence	11.00
5. Sexual offences and evidentiary matters	11.00
6. Accident and act independent of will	11.00
7. Insanity, diminished responsibility and intoxication	11.00
8. Parties and attempts	11.00
9. Double jeopardy	6.00
10. Sentencing serious violent offenders	6.00

## 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).

LAW3423 course content CD available for purchase from the USQ Bookshop. Note that course content is also available on-line via the USQ Study Desk.

Colvin, E & McKechnie, J 2008, *Criminal law in Queensland and Western Australia: cases and commentary*, 5th edn, LexisNexis Butterworths, Chatswood, New South Wales.

Kenny, RG 2008, *An introduction to criminal law in Queensland and Western Australia*, 7th edn, LexisNexis Butterworths, Chatswood, New South Wales.

Shanahan, MJ, Smith, PE & Ryan, S 2006, *Carter's criminal law of Queensland*, 16th edn, LexisNexis Butterworths, Sydney, New South Wales.

(available online via LexisNexis AU)

## 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.

Butterworths legal dictionary (latest edition).

Australian guide to legal citation.

Informit Online [electronic database]: AGIS - Attorney Generals Information Service, CINCH - Australian criminology database, AFPD - Australian Federal Police Digest (Accessible via USQ Library Database Services

<<http://resguide.usq.edu.au/index.php?type=databases&route=direct&ID=53>>.

LexisNexis AU [electronic database]: Carter's Criminal Law of Queensland (Accessible via USQ Library Database Services

<<http://resguide.usq.edu.au/index.php?type=databases&route=direct&ID=76>>.

Legal Online [electronic database]: Summary Offences Queensland, Australian Criminal Reports, Criminal Law Journal (Accessible via USQ Database Services

<<http://resguide.usq.edu.au/index.php?type=databases&route=direct&ID=235>>.

Ashworth, A 2006, *Principles of criminal law*, 5th edn, Oxford University Press, Oxford, UK.

Bronitt, S & McSherry, B 2005, *Principles of criminal law*, 2nd edn, Thomson Lawbook Co, Pyrmont, New South Wales.

Burton, K & Mackenzie, G 2006, *Butterworths questions and answers: criminal law in Queensland and Western Australia*, LexisNexis Butterworths, Sydney, New South Wales.

Douglas, H & Harbidge, S 2008, *Criminal process in Queensland*, Lawbook Co, Pyrmont, New South Wales.

Edney, R & Bagaric, M 2007, *Australian sentencing: principles and practice*, Cambridge University Press, Cambridge, UK.

Hunter, J, Cameron, C & Henning, T 2005, *Litigation*, 7th edn, LexisNexis Butterworths, Chatswood, New South Wales.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assignments	40.00
Directed Study	50.00
Lectures or Workshops	39.00
Private Study	36.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date	Objectives assessed	Graduate skill	Level assessed
ADVOCACY EXERCISE	40.00	40.00	16 Oct 2009	All		
EXAMINATION - PART A	20.00	20.00	END S2 (see note 1)	All		
EXAMINATION - PART B	40.00	40.00	END S2	All		

### NOTES

1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date for exam (parts A and B) after the timetable has been finalised. The total working time for exam (parts A and B) is 2 hours.

## 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:  
This will be an open examination. Candidates may have access to any printed or written material and a calculator during the examination. In line with regulation 5.6.4.2 'Use of Electronic Devices during Examinations', laptop and notebook computers are not permitted.
- 7 Examination period when Deferred/Supplementary examinations will be held:  
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 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 Procedures which can be found at <<http://www.usq.edu.au/business/aboutfob.htm>>.

## **ASSESSMENT NOTES**

- 1 Referencing in assignments: Students studying this course as part of a Bachelor of Laws or Juris Doctor must use the Australian Guide to Legal Citation (AGLC) style. Students who are not enrolled in either of these programs may use either Harvard (AGPS) or the Australian Guide to Legal Citation (AGLC) in their assignments to format details of the information sources they have cited in their work. For AGLC style guide enquiries, consult the AGLC manual from the USQ Library's referencing guide at <<http://www.usq.edu.au/library/help/referencing/default.htm>>, or contact the Law librarian. The Harvard (AGPS) style to be used is defined by the USQ Library's referencing guide at <<http://www.usq.edu.au/library/help/referencing/default.htm>>.

## **OTHER REQUIREMENTS**

- 1 Computer, e-mail and Internet access: Students are required to have access to a personal computer, e-mail capabilities and Internet access to UConnect. Current details of computer requirements can be found at <<http://www.usq.edu.au/ict/students/standards/default.htm>>.
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