



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	91135	2, 2009	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  
Moderator: Eola Barnett

### 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 provides students with an introduction to the key skills necessary to undertake their substantive law courses, including: legal citation; legal research; problem-solving and legal writing. These skills are explicitly taught and assessed throughout the course. Students will continue to build and develop these skills as they progress through the Law program. The course also provides students with discipline specific knowledge relating to Australian legal institutions; sources of law; the passage of statutes through Parliament; and the development of the common law. From this, students will develop skills in learning how to read a case, and how to interpret a statute.

### OBJECTIVES

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

1. describe the development of the Australian legal system
2. define and discuss the fundamental basis of the legal system and sources of law
3. explain how statute law is made and interpreted
4. explain how common law is developed by judges
5. explain and apply the doctrine of precedent
6. explain and apply the rules of statutory interpretation
7. demonstrate the ability to research and analyse primary, secondary, domestic legal sources in both print and electronic formats
8. apply methods of legal citation
9. identify and analyse legal issues and illustrate the ability to apply the principles dealt with in this course in a legal context

10. communicate effectively and clearly the results of legal research and analysis.

## 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); Cook, C, Creyke, R, Geddes, R & Hamer, D 2008, *Laying down the law*, 7th edn, LexisNexis Butterworths, Chatswood, New South Wales; and Meehan, M & Tulloch, G 2007, *Grammar for lawyers*, 2nd edn., LexisNexis, Chatsworth, New South Wales. (these are available as a package from the USQ Bookshop).

*Australian guide to legal citation*, 2002, 2nd edn, Melbourne University Law Review Association, Melbourne, Victoria.

Milne, S & Tucker, K 2007, *A practical guide to legal research*, Lawbook Co, Pymont, 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.

Hall, K & Macken, C 2008, *Legislation and the art of statutory interpretation*, 2nd edn, LexisNexis Butterworths, Chatswood, New South Wales.

Hinchy, R 2008, *The Australian legal system: history, institutions and method*, Pearson Education, Frenchs Forest, New South Wales.

Macken, C 2006, *The law student survival guide: 9 steps to law study success*, Lawbook Co, Pymont, New South Wales.

Pearce, D & Geddes, R 2006, *Statutory interpretation in Australia*, 6th edn, LexisNexis Butterworths, Sydney, New South Wales.

Vines, P 2009, *Law and justice in Australia: foundations of the legal system*, 2nd edn, Oxford University Press, South Melbourne, Victoria.

## 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	Objectives assessed	Graduate skill	Level assessed
ASSIGNMENT 1	35.00	35.00	04 Sep 2009 (see note 1)	4, 5, 7, 8, 9, 10		
ASSIGNMENT 2	35.00	35.00	16 Oct 2009 (see note 2)	3, 6, 7, 8, 9, 10		
ASSIGNMENT 3	30.00	30.00	23 Oct 2009 (see note 3)	1, 2, 3, 4, 8		

### NOTES

1. Case note and case law research
2. Statutory interpretation and statute law research assignment
3. Online computer test due at 5.00PM AEST (Australian Eastern Standard Time).

## 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 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 Juris Doctor must use the Australian Guide to Legal Citation (AGLC) style. Students who are not enrolled in the Juris Doctor 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>. This course also makes use of Wimba Software for the interactive classrooms that are available during semester. Participation in the interactive classrooms is not compulsory, students find accessing this resource very useful. The use of the web-cam increases the ability to participate.
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