



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 Criminal Law A

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	5605	87211	1, 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 or Co-requisite: LAW5501

### 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/ict/students/standards/default.htm>>.

### SYNOPSIS

Criminal law sets the limits which society, through the government, imposes on acceptable behaviour. The limits are set to provide the basis of a safe environment in which people can lead productive lives. Going beyond those limits can result in drastic consequences for the individual within the criminal law regime. This course will introduce students to the fundamental principles that underlie criminal law in Queensland. It will also introduce students to criminal procedure, with a focus on Queensland Magistrate and District Court trials; a selected range of criminal law offences and defences, and general principles of sentencing in Queensland. The course is designed to take students on the journey through the criminal process from arrest through to appeal, with a focus on some processes and offences likely to be encountered by commencing criminal law practitioners. Criminal law B will build upon the foundations laid in this course.

### 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. understand the classification of criminal offences and its relevance to other criminal processes, for example, arrest and court jurisdiction (Assignment, Examination)

2. understand the nature of the Criminal Code (Qld) (Assignment, Examination)
3. understand the role, and ethical considerations relevant to that role, of criminal law practitioners (Examination)
4. deconstruct and understand selected Criminal Code (Qld) and other statutory criminal offences, defences and excuses (Assignment, Examination)
5. understand the relationship between criminal offences and case law, and the role of the judge and jury (Assignment, Examination)
6. understand criminal processes and general sentencing principles in Queensland (Assignment, Examination)
7. apply, using appropriate problem solving methodologies, the criminal law to problems on selected offences in order to determine the likely outcome to issues (Examination)
8. demonstrate satisfactory written communication skills (Assignment, Examination)
9. apply methods of legal citation and referencing (Assignment, Examination)
10. locate, through research, and analyse primary law and secondary materials, relevant to topics considered in this course (Assignment).

## TOPICS

Description	Weighting (%)
1. Introduction to fundamental principles in criminal law (Queensland)	6.00
2. Arrest and bail	11.00
3. Criminal trial process	11.00
4. Legal representation and ethics	6.00
5. Select property offences	11.00
6. Select defences relating to property offences	11.00
7. Drug offences	11.00
8. Motor vehicle offences	11.00
9. General principles of sentencing	11.00
10. Appeals	11.00

## 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).

LAW5605 study package available from the USQ Bookshop.

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 2009, *Carter's criminal law of Queensland*, 17th edn, LexisNexis Butterworths, Sydney, 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.

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://www.usq.edu.au/library/eservices/ezp\\_informit.htm](http://www.usq.edu.au/library/eservices/ezp_informit.htm))

Lawbook Online [electronic database] (Accessible via USQ Database Services [http://www.usq.edu.au/library/eservices/ezp\\_lawbook.htm](http://www.usq.edu.au/library/eservices/ezp_lawbook.htm))

Aronson, M & Hunter, J 1999, *Litigation: evidence and procedure*, 6th edn, Butterworths, Sydney, New South Wales.

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 Company, Pyrmont, New South Wales.

Burton, K & Mackenzie, G 2006, *Butterworths questions and answer: 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.

Tronc, K & Dearden, I 1993, *Advocacy basics for solicitors*, Law Book Co, Sydney, New South Wales.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessments	40.00
Directed Study	50.00
Lectures and Tutorials	39.00
Private Study	36.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg (%)	Due date
ASSIGNMENT	40.00	40.00	24 Apr 2009
PART A OF 2-HOUR EXAMINATION	20.00	20.00	END S1 (see note 1)
PART B OF 2-HOUR EXAMINATION	40.00	40.00	END S1

### 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 after the timetable has been finalised.

## 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:  
To be assured of receiving a passing grade a student must achieve at least 50% of the total weighted marks available for 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 Policies and Procedures which can be found at <<http://www.usq.edu.au/business/aboutfob.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 USQConnect. Current details of computer requirements can be found at <<http://www.usq.edu.au/ict/students/standards/default.htm>>.
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