

# LAWS50034 Criminal Law and Procedure

<b>Credit Points:</b>	12.50
<b>Level:</b>	5 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2010, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Seminars.
<b>Time Commitment:</b>	Contact Hours: One 3 hour seminar per week. Total Time Commitment: 144 hours.
<b>Prerequisites:</b>	733510 Legal Method and Reasoning; 733511 Principles of Public Law; 733512 Torts; 733513 Obligations; 733514 Dispute Resolution.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
<b>Coordinator:</b>	Assoc Prof Jeremy Gans
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> ( <a href="mailto:law-studentcentre@unimelb.edu.au">mailto:law-studentcentre@unimelb.edu.au</a> ) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>There are many ways in which to construct the field of criminal law: it is related to public law in as much as it concerns the relation between the state and the citizen in democratic societies; it is related to the law of obligations (contracts and torts) but is concerned with public rather than private obligations; and it is related to legal theory in as much as it concerns the nature of the law that attributes responsibility. With this in mind, the field of criminal law is typically divided into substantive criminal law (the definition, prohibition and regulation of criminal activity by law) and criminal procedure (the processes, rules and principles of law governing the institutions of investigation, prosecution, trial and appeal within criminal jurisdictions). The central question is thus the question of attribution of responsibility.</p> <p>The specific topics covered include:</p> <ul style="list-style-type: none"> <li># the formal structure of substantive criminal law;</li> <li># the institutional arrangements of criminal procedure and their respective rationales;</li> <li># substantive offences – includes a selection of offences against the person and offences against property;</li> <li># defences;</li> <li># modes of criminal responsibility</li> </ul> <p>Throughout each of these specific topics, the approach is to study the theories, principles and practices of criminal law and procedure.</p>
<b>Objectives:</b>	<p>On completion of the subject, students should have a clear understanding of the following specific areas:</p> <ul style="list-style-type: none"> <li># the basic aims, structure and operation of the criminal justice system</li> <li># the structure and selected aspects of criminal procedure</li> </ul>

	<ul style="list-style-type: none"> <li># the fundamental principles of substantive criminal law</li> <li># knowledge of the legal construction of criminal offences, defences and associated principles of criminal liability</li> <li># theories of criminal responsibility</li> <li># key issues in contemporary criminal law reform</li> <li># key issues in current theories of criminal law</li> </ul>
<b>Assessment:</b>	Syndicate task* – written paper by the syndicate on an assigned exercise, due in accordance with a timetabled schedule throughout the semester (20%*) (hurdle) Take home examination, schedule in accordance with a coordinated assessment schedule (80%*). *Redeemable assessment: the mark for the syndicate task will only be counted if it is higher (as a percentage of total marks available) than the mark for the exam. Otherwise, the exam will count for 100% of the assessment.
<b>Prescribed Texts:</b>	Printed materials will be available from the Melbourne Law School
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage</li> <li># the capacity for close reading and analysis of a range of sources</li> <li># the capacity for critical and independent thought and reflection</li> <li># the capacity to solve problems, including through the collection and evaluation of information</li> <li># the capacity to communicate, both orally and in writing</li> <li># the capacity to plan and manage time</li> <li># the capacity to participate as a member of a team</li> <li># intercultural sensitivity and understanding</li> </ul>
<b>Related Course(s):</b>	Juris Doctor