

LAWS50034 Criminal Law and Procedure

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| Credit Points: | 12.50 |
| Level: | 5 (Graduate/Postgraduate) |
| Dates & Locations: | 2011, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Seminars. |
| Time Commitment: | Contact Hours: 4 hours seminar per week. Total Time Commitment: 144 hours. |
| Prerequisites: | LAWS50023 Legal Method and Reasoning; LAWS50024 Principles of Public Law; LAWS50025 Torts; LAWS50026 Obligations; LAWS50027 Dispute Resolution. |
| Corequisites: | None. |
| Recommended Background Knowledge: | None. |
| Non Allowed Subjects: | None. |
| Core Participation Requirements: | The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: http://www.services.unimelb.edu.au/disability/ . |
| Coordinator: | Assoc Prof Jeremy Gans |
| Contact: | Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475 |
| Subject Overview: | <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"> # The formal structure of substantive criminal law; # The institutional arrangements of criminal procedure and their respective rationales; |

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| | <ul style="list-style-type: none"> # Substantive offences – includes a selection of offences against the person and offences against property; # Defences; # Modes of criminal responsibility. <p>Throughout each of these specific topics, the approach is to study the theories, principles and practices of criminal law and procedure.</p> |
| Objectives: | <p>On completion of the subject, students should have a clear understanding of the following specific areas:</p> <ul style="list-style-type: none"> # The basic aims, structure and operation of the criminal justice system; # The structure and selected aspects of criminal procedure; # The fundamental principles of substantive criminal law; # Knowledge of the legal construction of criminal offences, defences and associated principles of criminal liability; # Theories of criminal responsibility; # Key issues in contemporary criminal law reform; # Key issues in current theories of criminal law. |
| Assessment: | <p>Syndicate task* – written paper by the syndicate on an assigned exercise, due at a scheduled time or times during 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) then the mark for the exam. Otherwise, the exam will count for 100% of the assessment.</p> |
| Prescribed Texts: | <p>Prescribed text to be advised, and/or printed materials available from the Melbourne Law School.</p> |
| Breadth Options: | <p>This subject is not available as a breadth subject.</p> |
| Fees Information: | <p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p> |
| Generic Skills: | <p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage; # The capacity for close reading and analysis of a range of sources; # The capacity for critical and independent thought and reflection; # The capacity to solve problems, including through the collection and evaluation of information; # The capacity to communicate, both orally and in writing; # The capacity to plan and manage time; # The capacity to participate as a member of a team; # Intercultural sensitivity and understanding. |
| Related Course(s): | <p>Juris Doctor</p> |