

LAWS50082 Criminal Jurisdictions

Credit Points:	12.5																													
Level:	5 (Graduate/Postgraduate)																													
Dates & Locations:	This subject is not offered in 2016. This subject has a quota of 60 students. Details on quota subject selection are available on the JD website.																													
Time Commitment:	Contact Hours: 30 hours of seminar classes and 6 hours of group consultation offered intensively, or as 12 weekly 3 hour sessions (10 seminars and 2 group consultations). Total Time Commitment: 144 hours.																													
Prerequisites:	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50025 Torts</td> <td>November, Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50031 Legal Theory</td> <td>Semester 2</td> <td>12.50</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50025 Torts	November, Semester 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50028 Constitutional Law	Semester 2	12.50	LAWS50029 Contracts	Semester 2	12.50	LAWS50031 Legal Theory	Semester 2	12.50
Subject	Study Period Commencement:	Credit Points:																												
LAWS50023 Legal Method and Reasoning	February	12.50																												
LAWS50024 Principles of Public Law	Semester 1	12.50																												
LAWS50025 Torts	November, Semester 2	12.50																												
LAWS50026 Obligations	Semester 1	12.50																												
LAWS50027 Dispute Resolution	Semester 1	12.50																												
LAWS50028 Constitutional Law	Semester 2	12.50																												
LAWS50029 Contracts	Semester 2	12.50																												
LAWS50031 Legal Theory	Semester 2	12.50																												
Corequisites:	None																													
Recommended Background Knowledge:	None																													
Non Allowed Subjects:	None																													
Core Participation Requirements:	<p>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: www.services.unimelb.edu.au/disability/.</p>																													
Contact:	Email: law-aso@unimelb.edu.au (mailto:law-aso@unimelb.edu.au) Phone: +61 3 8344 4475 Website: www.law.unimelb.edu.au/jd (http://www.law.unimelb.edu.au/jd)																													
Subject Overview:	Criminal law is a complex and plural enterprise. This subject provides a rich study of the distinct and intersecting legal traditions that make up the enterprise of criminal law. After presenting the																													

various ways in which the enterprise has been given shape and order, the subject moves to an in depth accounting of (i) its institutional history and ideas of responsibility, (ii) the encounter between indigenous jurisdictions and national regimes of criminal law; (iii) a comparative study of selected categories and crimes of domestic criminal law; and (iv) the emergence and ordering of the categories and institutions of international criminal justice.

The aim is to integrate the institutional understanding of criminal law across national, comparative and international fields. Three main topics are: legal relations of authority and criminal responsibility; transformations in the categories of crime and the forms of crimino-legal knowledge; institutional conduct and the roles of the legal profession in criminal law. These topics address a central theme – namely, the procedure or processes which give shape to the knowledge, understanding and practices of criminal law, and which generate the complexity and variety of relations between the jurisdictions of criminal law.

These topics and theme will be explored through a range of case studies. In any given year, a selection will be made from the following:

- # Criminal trials, criminal appeals, and the architectures of criminal courts;
- # The role of the lawyer in the common law trial and the recent emergence of specialist courts (e.g drug courts, koori courts, sex courts, circle sentencing);
- # Genres of the criminal court (from domestic courts to specialist courts, from international courts to hybrid courts to truth trials);
- # Administration of justice offences, with specific reference to contempt of court, and to false reporting;
- # Responsibility and character in criminal law;
- # Doctrinal classifications of crime and law, with specific reference to the emergence of the categories of dangerousness (and allied notion of risk), of indecency (and allied notions of nuisance and sexuality), and of crimes against humanity;
- # Stalking;
- # Sexual violence;
- # Criminalisation of HIV transmission in Australia and internationally;
- # The criminalisation of war;
- # Criminal organisations, terrorism and the jurisdiction of control orders;
- # Property, authority and the criminal law;
- # Civilian and common law jurisdictions of crime; and
- # Evidence and procedure in comparative perspective, with specific reference to the adversarial and inquisitorial traditions and their plural doctrines of proof.

Learning Outcomes:

A student who has successfully completed this subject should have a rich and integrated understanding of, and be able to evaluate to a specialised standard:

- # How the enterprise of criminal law is given shape and order;
- # Why criminal law takes the shape that it does in response to particular legal and social problems;
- # The interactions and disjunctions amongst indigenous, domestic and international criminal laws;
- # The comparative, historical and jurisprudential scholarship of criminal law;
- # Relations between substantive and procedural (including evidential and sentencing) regimes of criminal jurisdiction;
- # The jurisprudence of criminal jurisdiction; and
- # The integration of national and international criminal jurisdictions.

In addition, a student who has completed the subject will have obtained:

- # An advanced and nuanced appreciation of the complexity and variety of the criminal law enterprise in the contemporary practice of law;
- # At least one in-depth case study of a specific issue of criminal law, in which they have independently exercised skills of analysis and reflection, synthesis and evaluation; and
- # The ability to respond to a contemporary criminal law issue in a concise and worthwhile manner.

Assessment:

'Subject post' (hurdle requirement): Writing and posting on the subject blog an 800 word entry on a topic set by the coordinator. Each entry will be co-authored by a student group (no more than 5 students per group). The entry will be assessed on a pass/resubmit basis, with particular attention being paid to the use and development of skills of detailed research, of analysis and

	<p>of evaluation of the worth of the argument being made. This item of assessment is a hurdle requirement: in order for the research essay to be accepted as submitted, the subject post entry must be submitted and assessed to have passed. All entries will be published on the subject blog, subject to achieving a pass standard and a requirement of originality as assessed by the subject coordinator; Research Essay (100%): A 5,000 word research essay, on a topic independently developed by the student and approved by the subject coordinator. Research essays are expected to demonstrate a highly advanced understanding of the jurisdiction of criminal law. In particular, it will be expected that students will generate complex argumentation, evaluate the forms and values of knowledge relevant to the area, as well as demonstrate creativity and initiative in the development of their advanced understanding of the disciplinary matters at issue in the essay.</p>
Prescribed Texts:	Specialist printed materials will be made available from Melbourne Law School.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed and demonstrated advanced knowledge and skills in the following areas:</p> <ul style="list-style-type: none"> # Specialist knowledge and critical reflection about domestic and international criminal law; # Investigation, analysis and evaluation of the conceptual, institutional and ethical questions of criminal jurisprudence, including the application of that learning to questions of comparative and indigenous criminal law; # Ability to respond to and effectively communicate concise and nuanced responses – in both oral and written forms – to a problem of criminal law; # Conducting in depth research independently and at a high level, including the ability to generate and evaluate complex ideas at an abstract level and theorise about developments in a manner contributing to scholarship; # Writing up research which presents a conceptually informed and extended argument demonstrating an integrated understanding of, and expert judgment about, complex questions of criminal jurisdiction; and # Working collectively and taking responsibility for the work of a team.
Related Course(s):	Juris Doctor