



# LAWS11059 Statutory Interpretation

## Term 2 - 2021

Profile information current as at 20/04/2024 04:50 am

All details in this unit profile for LAWS11059 have been officially approved by CQUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

## General Information

### Overview

LAWS11059 Statutory interpretation has a specific focus on locating and using legislation, aids to interpretation, and deployment of interpretative techniques. In this unit you will learn how to determine whether the exercise of a statutory power is invalid if a condition or procedure regulating its exercise, is breached; whether a law has a retrospective operation; whether a statutory offence contains a mental ingredient to be proved by the prosecution (mens rea), and if so, what that ingredient is; the scope of a statutory power to make delegated legislation in the light of delegated legislation, which has purportedly been made under a power; and the application of a rule in any applicable charter of human rights. A law graduate should be able to give a reasoned opinion as to the appropriate meaning of a legislative provision which takes adequate account of the law of statutory interpretation. This unit meets the LPAB requirements for statutory interpretation.

### Details

Career Level: *Undergraduate*

Unit Level: *Level 1*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

### Pre-requisites or Co-requisites

There are no requisites for this unit.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

### Offerings For Term 2 - 2021

- Online

### Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

# Class and Assessment Overview

## Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

## Class Timetable

### **Regional Campuses**

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

### **Metropolitan Campuses**

Adelaide, Brisbane, Melbourne, Perth, Sydney

## Assessment Overview

### **1. Written Assessment**

Weighting: 20%

### **2. Written Assessment**

Weighting: 20%

### **3. Written Assessment**

Weighting: 60%

## Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

# CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Moodle surveys

##### **Feedback**

Clarity and consistency of assessment tasks.

##### **Recommendation**

A peer-review system for reviewing assessment items before publication has been implemented at the first year level by the year level co-ordinators. This will ensure more consistency and clarity in assessment tasks.

#### Feedback from Email

##### **Feedback**

Students expressed appreciation for the 'detailed and constructive feedback' on assessment tasks which they believed helped improve their performance throughout the unit.

##### **Recommendation**

Continue to provide detailed individual feedback in addition to general feedback evaluating the performance of the cohort as a whole. Holding review sessions or posting academic videos focusing on the particular skills that need improving.

#### Feedback from Email

##### **Feedback**

Students noted that the 'content matter was challenging' due to the sheer volume and complexity of the area of law however, they still found the experience stimulating and rewarding. They expressed appreciation for the clarity afforded by the delivery and organisation of materials.

##### **Recommendation**

Innovate new ways of making complex material more accessible to first year law students by reviewing a common source of legislation to apply statutory interpretation principles learned throughout the term.

## Unit Learning Outcomes

### On successful completion of this unit, you will be able to:

1. Apply skills in locating and using legislation, aids to interpretation and deployment of interpretive skills
2. Evaluate whether the exercise of statutory power is invalid
3. Analyse whether a law has a retrospective operation
4. Analyse whether a statutory offence contains a mental element (mens rea)
5. Analyse the scope of statutory power to make delegated legislation
6. Analyse and critically reflect on the application and interpretation of legislation, legislative instruments and related material.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

| Assessment Tasks                    | Learning Outcomes |   |   |   |   |   |
|-------------------------------------|-------------------|---|---|---|---|---|
|                                     | 1                 | 2 | 3 | 4 | 5 | 6 |
| <b>1 - Written Assessment - 20%</b> | •                 | • | • | • | • | • |
| <b>2 - Written Assessment - 20%</b> | •                 | • |   |   |   |   |
| <b>3 - Written Assessment - 60%</b> | •                 | • | • | • |   |   |

### Alignment of Graduate Attributes to Learning Outcomes

| Graduate Attributes  | Learning Outcomes |   |   |   |   |   |
|--|-------------------|---|---|---|---|---|
|  | 1                 | 2 | 3 | 4 | 5 | 6 |
| <b>1 - Communication</b>                                   |                   |   |   |   |   |   |
| <b>2 - Problem Solving</b>                                 | •                 | • | • | • | • | • |
| <b>3 - Critical Thinking</b>                               | •                 | • | • | • | • | • |
| <b>4 - Information Literacy</b>                            | •                 | • | • | • | • | • |
| <b>5 - Team Work</b>                                       |                   |   |   |   |   |   |
| <b>6 - Information Technology Competence</b>               |                   |   | • |   |   |   |
| <b>7 - Cross Cultural Competence</b>                       |                   |   |   |   |   |   |
| <b>8 - Ethical practice</b>                                |                   |   |   |   |   |   |
| <b>9 - Social Innovation</b>                               |                   |   |   |   |   |   |
| <b>10 - Aboriginal and Torres Strait Islander Cultures</b> |                   |   |   |   |   |   |

### Alignment of Assessment Tasks to Graduate Attributes

| Assessment Tasks                    | Graduate Attributes |   |   |   |   |   |   |   |   |    |
|-------------------------------------|---------------------|---|---|---|---|---|---|---|---|----|
|                                     | 1                   | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| <b>1 - Written Assessment - 20%</b> | •                   | • | • | • |   | • |   | • |   |    |
| <b>2 - Written Assessment - 20%</b> | •                   |   | • | • |   | • |   |   |   |    |
| <b>3 - Written Assessment - 60%</b> | •                   | • | • | • |   |   |   | • |   |    |

## Textbooks and Resources

### Textbooks

LAWS11059

#### Prescribed

##### **Statutory Interpretation**

Edition: 2 (2016)

Authors: Michelle Sanson

Oxford University Press Australia

Melbourne , VIC , Australia

ISBN: 9780190304577

Binding: Paperback

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#### Supplementary

##### **Effective Legal Writing**

Edition: 3 (2020)

Authors: Corbett-Jarvis and Grigg

Lexis Nexis Australia

ISBN: 9780409351484

Binding: eBook

LAWS11059

#### Supplementary

##### **eLearn: Statutory Interpretation - An Introduction**

Edition: 1 (2020)

Authors: Sharon Szeta and Lisa Sylvester

Lexisnexis

Sydney , NSW , Australia

ISBN: 9780001562080

Binding: eBook

#### Additional Textbook Information

Both paper and eBook versions of the prescribed text can be purchased at the CQUni Bookshop here:

<http://bookshop.cqu.edu.au> (search on the Unit code).

[\*\*View textbooks at the CQUniversity Bookshop\*\*](#)

## IT Resources

### You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**John Milburn** Unit Coordinator

[j.a.milburn@cqu.edu.au](mailto:j.a.milburn@cqu.edu.au)

## Schedule

## **Week 1: Introduction to Statutory Interpretation - 12 Jul 2021**

| Module/Topic   | Chapter   | Events and Submissions/Topic |
|--|---|------------------------------|
| We begin by looking at the structure of the unit, the assessment activities and engagement with each other.<br>In terms of content, students are introduced to statutory interpretation - the nature of the process, the scope of the exercise and the Australian constitutional framework. The separation of powers places particular emphasis on the unit's focus on principles of the interpretive process by courts to discover the meaning intended by the Parliament.<br>The cases in the textbook considered relevant may involve a number of different areas of law, but the important point for our purposes is not to be distracted by the diverse legal issues but to apply the legislation as it was, to the facts, as they were, to resolve the issue of statutory interpretation before the court. | Michelle Sanson, <i>Statutory Interpretation</i> Chapters 1 | Weekly zoom sessions.        |

## **Week 2: Creation of Legislation - 19 Jul 2021**

| Module/Topic   | Chapter  | Events and Submissions/Topic |
|--|--|------------------------------|
| We turn to examine the process of creation of legislation.<br>In order to understand how statutes are interpreted, we must first know how they are created. We examine the nature of legislative power, the processes of Parliament and the different styles of drafting including the plain English drafting movement and the various drafting conventions.<br>We return to the idea that the primary task of statutory interpretation is to reach an interpretation of the text that aligns with the legislature's 'context and purpose' (covered more fully in week 4). | Michelle Sanson, <i>Statutory Interpretation</i> Chapter 2 | Weekly zoom sessions.        |

## **Week 3: Interpretation Legislation - 26 Jul 2021**

| Module/Topic  | Chapter  | Events and Submissions/Topic |
|---|--|------------------------------|
| Interpretation legislation refers to those statutory instruments (Acts) which aid us in the interpretation process by codifying the principles of statutory interpretation. These interpretive Acts are guides to interpreting Cth, State and Territories legislation.<br>This chapter will cover numerous provisions from each jurisdiction (Cth, states and territories) with a focus on the Commonwealth legislative Act - <i>The Commonwealth Acts Interpretation Act 1901</i> (Cth). | Michelle Sanson, <i>Statutory Interpretation</i> Chapter 3 | Weekly zoom sessions.        |

## **Week 4: Context and Purpose - 02 Aug 2021**

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
|--------------|---------|------------------------------|

Considering the context and purpose of legislation is the topic for examination this week. This chapter and the next are crucial aspects for students to understand in completing a statutory interpretation exercise.

This is because we in order to develop the reasoning skills we require; we must first appreciate the purpose of statutory interpretation.

We begin by examining the theory around 'context and purpose', familiarising ourselves with the conceptual details this week before going on to consider applications in practice in week 5.

Michelle Sanson, *Statutory Interpretation* Chapter 4

Weekly zoom sessions.

#### **Week 5: Intention and Interpretive Techniques - 09 Aug 2021**

| Module/Topic  | Chapter  | Events and Submissions/Topic  |
|---|--|---|
| The chapter on 'intention and interpretive techniques' is challenging because we address intention as an objective concept. Analogies and case examples are used to explain a slippery concept to students. However, for the purpose of this topic, it is important to remember the presuppositions under-girding these discussions - 'why' intentions should be objective, and 'how' they can be identified and then, applied in practice. | Michelle Sanson, <i>Statutory Interpretation</i> Chapter 5 | Weekly zoom sessions.<br><b>Research and Case Note</b> Due: Week 5 Thursday (12 Aug 2021) 11:45 pm AEST |

#### **Vacation Week - 16 Aug 2021**

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
|              |         | No weekly zoom sessions.     |

#### **Week 6: Intrinsic Materials I (Statutory Components) - 23 Aug 2021**

| Module/Topic   | Chapter  | Events and Submissions/Topic |
|--|--|------------------------------|
| Intrinsic materials refer to materials that are relevant to identifying the meaning of words in their context and in light of their purpose.<br>Statutory components are those intrinsic materials contained within the statute in question. We will examine component parts of the statute which are useful to determine the meaning of a legislative provision.<br>The seminal case for the week is the case of <i>Project Blue Sky v Australian Broadcasting Authority</i> 194 CLR 355. | Michelle Sanson, <i>Statutory Interpretation</i> Chapter 6 | Weekly zoom sessions.        |

#### **Week 7 Intrinsic Materials II (The Text) - 30 Aug 2021**

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
|              |         |                              |

Extrinsic materials involve using materials that lie outside the Act itself (as opposed to materials that are internal or intrinsic to the Act) in order to identify the meaning intended by the legislation.

This chapter considers the value (and weight) of extrinsic materials and how they can be used effectively in the Australian context where ‘context and purpose’ is the central concern.

Michelle Sanson, *Statutory Interpretation Chapter 7*

Weekly zoom sessions.

#### **Week 8: Extrinsic Materials - 06 Sep 2021**

| Module/Topic  | Chapter  | Events and Submissions/Topic   |
|---|--|--|
| This is the second part of the examination of materials intrinsic to the legislative text that are relevant to identifying the meaning of words in light of their context and purpose.                |  | Weekly zoom sessions.  |
| This chapter focuses on the text (the words and grammatical expressions) of the legislation as examples of intrinsic material which must be considered as part of the statutory interpretive process. | Michelle Sanson, <i>Statutory Interpretation Chapter 8</i> | <b>Prepare a Toolkit and use it to solve a Statutory Interpretation Problem</b> Due: Week 8 Thursday (9 Sept 2021) 11:45 pm AEST |

#### **Week 9: Traditional Common Law Approaches - 13 Sep 2021**

| Module/Topic  | Chapter  | Events and Submissions/Topic |
|---|--|------------------------------|
| The question for this week is whether traditional common law approaches still assist us in modern statutory interpretation.<br><br>The contemporary approach to statutory interpretation was developed through the history of common law rules: literal, golden and mischief.<br><br>This chapter covers the main aspects of these common law rules (Latin maxims) to understand how the common law and statutes relate to one another. This ongoing synergy enables them to work together towards a coherent body of law in common law legal systems like Australia. | Michelle Sanson, <i>Statutory Interpretation Chapter 9</i> | Weekly zoom sessions.        |

#### **Week 10: Statutory Presumptions - 20 Sep 2021**

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
|--------------|---------|------------------------------|

This week is an extension of the discussion from Chapter 9 which examined the rules of statutory interpretation, developed at common law and that continue to remain relevant.

The overarching point is to give primacy to the meaning of the text of a legislative position in light of its context and its purposes.

Thus, if it is evident from the text, context or purpose that an alternative meaning should be used, then the statutory presumption may not even be applicable.

Michelle Sanson, *Statutory Interpretation* Chapter 10

Weekly zoom sessions.

### Week 11: Human Rights and International Law - 27 Sep 2021

| Module/Topic  | Chapter   | Events and Submissions/Topic |
|---|---|------------------------------|
| <p>The question for the week is whether human rights or international law influence statutory interpretation in Australia.</p> <p>As fundamental rights become increasingly influential in all aspects of our lives, and contemporary Parliaments are legislating on topics which expand or contract our rights (counter-terrorism, Covid-19 restriction laws, privacy laws), the principle of legality assumes a new significance. It becomes fashionable for judges to use this principle as a way of reading and/or justifying their interpretation of statutory provisions, be that narrow or broad.</p> <p>We will examine the different approaches to the application of this presumption and the underlying views expressed by High Court judges as illustrative of a topic that continues to be in a state of flux.</p> | Michelle Sanson, <i>Statutory Interpretation</i> Chapter 11 | Weekly zoom sessions.        |

### Week 12: Review Week - 04 Oct 2021

| Module/Topic                          | Chapter | Events and Submissions/Topic |
|---------------------------------------|---------|------------------------------|
| <b>Review/Exam Week - 11 Oct 2021</b> |         |                              |
| Module/Topic                          | Chapter | Events and Submissions/Topic |
| <b>Exam Week - 18 Oct 2021</b>        |         |                              |
| Module/Topic                          | Chapter | Events and Submissions/Topic |

## Assessment Tasks

### 1 Research and Case Note

#### Assessment Type

Written Assessment

**Task Description**

Presented in two parts with 10 marks allocated for each part.

Part 1 A research task which relates to the creation and understanding of Commonwealth legislation.  
(in short response/paragraph format)

Part 2 A short summary in the case note format.

Full details of the assignment task will be provided on the Moodle site for this unit after commencement of term.

Total word count: 2,000 words

**Assessment Due Date**

Week 5 Thursday (12 Aug 2021) 11:45 pm AEST

Extension requests must be made via Moodle with valid supporting documentation. Cut off date Saturday, 21 August 2021 at 11:45 PM (AEST).

**Return Date to Students**

Week 6 Monday (23 Aug 2021)

Marked assignments will be returned via the Moodle site in approx. two (2) weeks after submission.

**Weighting**

20%

**Assessment Criteria****Assessment Criteria**

| Criteria  | Excellent   | Good   | Poor  |
|---|---|--|---|
| <b>Basic goals (15%):</b>                         |   |  |   |
| Identification of primary issues                  | Identification of all major issues.                         | Identification of most major issues.             | Identification of some major issues.                              |
| Demonstrated understanding of the subject matter  | Excellent demonstrated understanding of the subject matter. | Good / Some understanding of the subject matter. | Lacks understanding of the subject matter.                        |
| Structured argument                               | Well structured arguments.                                  | Reasonably structured argument.                  | Poorly structured argument.                                       |
| <b>Higher order goal (2.5%):</b>                  |   |  |   |
| Analytical ability                                | Demonstrated high level of analysis.                        | Some analytical skills demonstrated              | Numerous analytical errors or omissions - limited to no analysis. |
| <b>Skills (2.5%):</b>                             |   |  |   |
| Demonstrated clear and concise written expression | Clear and concise written expression.                       | Some unclear or verbose written expression.      | Numerous examples of unclear or verbose written expression.       |
| Spelling and grammar                              | No identifiable spelling or grammatical issues.             | Minor spelling or grammatical issues.            | Numerous spelling or grammatical issues.                          |
| Plain English drafting                            | No Plain English drafting errors.                           | Some Plain English drafting errors.              | Numerous Plain English drafting errors.                           |

Students should also familiarise themselves with the University policy on assessment which sets out the criteria for high distinctions, distinctions, credit and pass marks in some detail.

**Referencing Style**

- [Australian Guide to Legal Citation, 4th ed](#)

**Submission**

Online

**Submission Instructions**

I will only accept online submission of your work. Upload your work in a Word document (NOT PDF) in the following format: LastName\_FirstName.docx. I expect students to present their assignment work on time. Take care with your

submission. Avoid obvious mistakes, such as basic spelling and grammatical errors. Read your paper out aloud, word by word. Alternatively, or in addition, ask a friend to read your material. Generally, you should submit one Word document (even if the assessment is in two or more parts) and ensure that your name is included in the name of the saved document.

### **Learning Outcomes Assessed**

- Apply skills in locating and using legislation, aids to interpretation and deployment of interpretive skills
- Evaluate whether the exercise of statutory power is invalid
- Analyse whether a law has a retrospective operation
- Analyse whether a statutory offence contains a mental element (mens rea)
- Analyse the scope of statutory power to make delegated legislation
- Analyse and critically reflect on the application and interpretation of legislation, legislative instruments and related material.

### **Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence
- Ethical practice

## **2 Prepare a Toolkit and use it to solve a Statutory Interpretation Problem**

### **Assessment Type**

Written Assessment

### **Task Description**

Students are required to toolkit and use it to solve a statutory interpretation problem question based on the material covered in modules in the second part of the unit.

Full details of the assignment task will be provided on the Statutory Interpretation Moodle site after the commencement of term.

2,000 words (maximum)

### **Assessment Due Date**

Week 8 Thursday (9 Sept 2021) 11:45 pm AEST

See Moodle description. I will only accept online submission of your work. Extension requests must be made via Moodle with valid supporting documentation. Cut off date Saturday, 18 September 2021 at 11:45 PM (AEST).

### **Return Date to Students**

Week 10 Monday (20 Sept 2021)

Marked assignments will be returned via the Moodle site in approx. two (2) weeks after submission.

### **Weighting**

20%

### **Assessment Criteria**

#### **Assessment criteria**

I assess students on their ability to demonstrate thinking and writing skills, to comprehend the material, to process the material and to provide a critical analysis and logical discussion of the law. Students are required to communicate clearly, logically and in a concise manner. I expect you to present your paper in a professional manner. Please paginate the paper and use correct spelling and grammar. You must appropriately reference and attribute the work of others.

#### **High distinction standard**

- You wrote your answer to practitioner standard and expressed yourself clearly and concisely
- You presented your paper in a logical structure
- You demonstrated an appreciation and understanding of the issues involved
- You backed your answer with well-reasoned arguments demonstrating a detailed insight and analysis of issues
- You produced a sophisticated analysis from a variety of perspectives
- You demonstrated mastery of the AGLC referencing system

#### **Distinction Standard**

- Your answer is professionally written
- You produced a well-structured and logical paper
- You clearly identified, and appreciated, legal issues
- You referenced your material correctly
- You considered appropriate case law, but your analysis and interpretation was not as detailed and reasoned as for high

distinction standard

### Credit Standard

- Your answer is generally professionally written
- Your paper is well structured and sequential
- Your coverage of issues is reasonably comprehensive with a good treatment and analysis
- Referencing is satisfactory
- Your analysis is not as detailed and reasoned as for distinction standard

### Pass Standard

- You could better organise and structure your paper
- You could identify and address issues in more depth
- Your paper is confusing or incorrect
- Core facts/issues not clearly understood or identified
- You demonstrated some familiarity with legislation and case law
- Your conclusions reached are somewhat simplistic
- You included quantities of material of marginal relevance in your paper
- Referencing needs improvement
- Your analysis is not as detailed and reasoned as for credit standard

### Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

### Submission

Online

### Submission Instructions

I will only accept online submission of your work. Upload your work in a Word document (NOT PDF) in the following format: LastName\_FirstName.docx. I expect students to present their assignment work on time. Take care with your submission. Avoid obvious mistakes, such as basic spelling and grammatical errors. Read your paper aloud to yourself, word by word. This may feel like a slow process but can be a productive exercise. Alternatively, or in addition, ask a friend to read your material. Generally, you should submit one document (even if the assessment is in two or more parts) and ensure that your name is included in the name of the saved document.

### Learning Outcomes Assessed

- Apply skills in locating and using legislation, aids to interpretation and deployment of interpretive skills
- Evaluate whether the exercise of statutory power is invalid

### Graduate Attributes

- Communication
- Critical Thinking
- Information Literacy
- Information Technology Competence

## 3 Take-Home Paper

### Assessment Type

Written Assessment

### Task Description

You have just six (6) hours to complete reply to the task. Word limit is 2,000 - 2,500 words (maximum).

Notes

- No extensions allowed. If you do not set a take-home paper on the day, you will receive a nil mark and you will fail the unit.
- Working to a short deadline and submitting work on time is part of the assessment.
- The paper will be made accessible on the day of submission. You must complete this assessment task **on the same day**.
- I will not return the final take home paper to students. I will not provide personalised feedback. Your mark forms part of your grade for this unit.
- Response must be submitted on Moodle. Submit your entire answer, including your outline of submissions, in a single Word (NOT PDF) document in the following format: LastName\_FirstName.docx. Do not submit in multiple parts.
- Remember that these are exam conditions. You must not consult with your peers. This is an

individual assessment and you may not collude; which means that you cannot act together to cheat or to plagiarise or engage in academic misconduct. These standards will be strictly enforced.

### **Assessment Due Date**

You must complete this assessment task on the due date. I will only accept online submission of your work. The task will be made available for six (6) hours only. No extensions are allowed. The take home exam will take place in the exam weeks with the date to be advised. It will be a written assessment to be completed within the limited timeframe, to be submitted via Moodle. Please refer to the Moodle site for the unit for further details.

### **Return Date to Students**

Normal exam conditions apply. The final online paper is not returned to students. I will not provide personalised feedback. Your mark forms part of your grade for this unit. However, feedback is provided to the whole class in the form of an exam feedback report on the Certification of Grades Date in accordance with the University Assessment Policy.

### **Weighting**

60%

### **Assessment Criteria**

I assess students on their ability to demonstrate thinking and writing skills, to comprehend the material, to process the material and to provide a critical analysis and logical discussion of the law. Students are required to communicate an answer clearly, logically and in a concise manner. I expect you to present your paper in a professional manner. Please paginate your paper and use correct spelling and grammar. You must appropriately reference and attribute the work of others.

Fail

You will have shown evidence of the following:

- the written expression is poor and difficult to understand
- the answer is poorly organised
- referencing is generally inadequate
- lack of familiarity with the legislation and its application
- failure to identify and address the issues in the question
- reasoning and application demonstrated is poor

Pass

You will have:

- made a conscientious attempt to address the topic and/or answer the question
- shown evidence of having done the required reading and of having understood the reading
- presented a reasonable argument to back up your conclusions
- demonstrated a reasonable level of spelling and grammatical usage
- used referencing but this may need improvement
- issues that may need to be identified and addressed in more depth

Credit

You will have:

- addressed the topic and/or answered the question directly
- presented soundly based arguments and backed these up with reasons
- gone beyond description to analysis of key issues
- expressed the content well
- shown evidence of reading widely
- demonstrated understanding of the reading
- used referencing that is satisfactory

Distinction

You will have:

- met the above criteria for a credit

- demonstrated the attainment of a high degree of understanding of the concepts of the unit
- demonstrated deep insight into the application of knowledge and skills to complex theoretical and practical situations
- used referencing correctly
- referred to all appropriate legislation

### High Distinction

You will have:

- met the above criteria for a distinction
- demonstrated the attainment of an outstanding level of achievement regarding the objectives of this unit
- demonstrated an interesting and/or original approach/idea/argument
- demonstrated mastery of the relevant referencing system
- ensured your conclusions are backed by well-reasoned arguments demonstrating a detailed insight and analysis of issues
- ensured you made reference to appropriate legislation for all issues

### Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

### Submission

Online

### Submission Instructions

I will only accept online submission of your work. Upload your work in a Word document (NOT PDF) in the following format: LastName\_FirstName.docx. I expect students to present their assignment work on time. Take care with your submission. Avoid obvious mistakes, such as basic spelling and grammatical errors. Read your paper out aloud, word by word. Alternatively, or in addition, ask a friend to read your material. You should submit your response(s) in one document (even if the assessment is in two or more parts).

### Learning Outcomes Assessed

- Apply skills in locating and using legislation, aids to interpretation and deployment of interpretive skills
- Evaluate whether the exercise of statutory power is invalid
- Analyse whether a law has a retrospective operation
- Analyse whether a statutory offence contains a mental element (mens rea)

### Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Ethical practice

# Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

## What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

## Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

## Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

## What can you do to act with integrity?



### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem