



# LAWS11060 *Criminal Law*

## Term 1 - 2019

Profile information current as at 26/04/2024 03:56 am

All details in this unit profile for LAWS11060 have been officially approved by CQUUniversity 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

LAWS11060 Criminal law provides knowledge of the procedures of and general doctrines of criminal law with emphasis on offences against the person (including murder, manslaughter and assault) and against property (including stealing) as expressed in the Queensland Criminal Code. Selective treatment is given to various defences and to the elements of criminal procedure. This unit together with LAWS13010 Evidence and Proof meets the LPAB requirements for criminal law and procedure.

#### 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

Corequisite: LAWS11057

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 1 - 2019

- 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: 40%

#### 2. **Examination**

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 In zoom sessions and via email

##### Feedback

Students commended the practical nature of assessment 1 which required students to prepare written submissions for court.

##### Recommendation

The UC will continue to teach practical skills and include a practical based assessment in this unit to prepare students for legal practice.

## Unit Learning Outcomes

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

1. Analyse and explain criminal law offences against the person and against property
2. Analyse and explain the elements of the criminal offence or defence, and the onus and burden of proof
3. Research and apply principles of criminal law in Queensland as expressed in legislation and case law to the analysis of criminal law problems
4. Apply skills in communication, critical legal thinking and reasoning.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Written Assessment - 40%			•	•
2 - Examination - 60%	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•	•	•	•
2 - Problem Solving			•	•
3 - Critical Thinking				•

Graduate Attributes	Learning Outcomes			
	1	2	3	4
4 - Information Literacy	•	•	•	•
5 - Team Work				
6 - Information Technology Competence				
7 - Cross Cultural Competence				
8 - Ethical practice				
9 - Social Innovation				
10 - Aboriginal and Torres Strait Islander Cultures				

## Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 40%	•	•	•	•						
2 - Examination - 60%	•	•	•	•						

## Textbooks and Resources

### Textbooks

LAWS11060

#### Prescribed

#### **Criminal Law in Queensland and Western Australia: Cases and Commentary**

Edition: 8th (2018)

Authors: Eric Colvin, John McKechnie and Jodie O'Leary

LexisNexis Butterworths

Sydney, NSW, Australia

Binding: Paperback

#### **Additional Textbook Information**

Paper copies will be available for purchase 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)
- ZOOM

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**Jodie O'Leary** Unit Coordinator  
[j.oleary@cqu.edu.au](mailto:j.oleary@cqu.edu.au)

## Schedule

### Week 1 - 11 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
1. Definition of crime and classification of offences 2. Aims and principles of criminal law and punishment 3. Sources of criminal law in Australia and proof 4. Introduction to research and writing for criminal law	Colvin et al: Chapters 1-2	

### Week 2 - 18 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
1. Arrest and Bail 2. Elements of crimes: capacity - corporations, children	Colvin et al: Chapter 25 (paras 25.1-25.42 and 25.66C and 25.67C) and Chapter 21	

### Week 3 - 25 Mar 2019

Module/Topic	Chapter	Events and Submissions/Topic
Elements of crimes cont'd: <ul style="list-style-type: none"><li>• conduct (act v omission)</li><li>• causation, strict liability</li><li>• mental element - intention, wilfulness/recklessness, negligence</li><li>• lack of any available defence - justification/excuse</li></ul>	Colvin et al: Chapter 3 (paras 3.7-3.22C), Chapter 4 (paras 4.9-4.16, 4.30-4.40, 4.46C-4.49C, 4.54C), Chapter 7 (paras 7.46-7.48, 7.54C) and Chapter 10	

### Week 4 - 01 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Homicide, Murder and Manslaughter	Colvin et al: Remaining paras of Chapters 3 and 4 (revise last week's paras as well)	<b>Practical Skills Task- Bail Application</b> Due: Week 4 Friday (5 Apr 2019) 11:45 pm AEST

### Week 5 - 08 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Non-fatal offences against the person: 1. Assault-based offences, injury-based offences 2. Sexual Offences	Colvin et al: Chapters 5-6	

### Vacation Week - 15 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
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### Week 6 - 22 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
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1. Property Offences
  2. Drug Offences
- Colvin et al: Chapters 7-8

### Week 7 - 29 Apr 2019

Module/Topic	Chapter	Events and Submissions/Topic
Defences: <ul style="list-style-type: none"> <li>• Lack of will/accident</li> <li>• Mistake of fact</li> <li>• Ignorance of the law</li> </ul>	Colvin et al: Chapters 11-13	

### Week 8 - 06 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
Self defence and other defensive force	Colvin et al: Chapter 14	

### Week 9 - 13 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
Defences: <ul style="list-style-type: none"> <li>• Provocation</li> <li>• Compulsion, Emergency and Medical Necessity</li> </ul>	Colvin et al: Chapters 15-16	

### Week 10 - 20 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
Mental deficiency defences: <ul style="list-style-type: none"> <li>• Insanity</li> <li>• Diminished Responsibility</li> <li>• Automatism</li> <li>• Intoxication</li> </ul>	Colvin et al: Chapters 17-18	

### Week 11 - 27 May 2019

Module/Topic	Chapter	Events and Submissions/Topic
1. Inchoate liability 2. Secondary liability	Colvin et al: Chapters 19-20	

### Week 12 - 03 Jun 2019

Module/Topic	Chapter	Events and Submissions/Topic
1. Criminal process: Preliminary examination, Pre-trial applications, Trial, Verdict, Sentence and Appeal 2. Revision and exam-writing skills	Colvin et al: Chapter 22 (paras 22.1-22.6, 22.25-22.34, 22.36C)	

### Review/Exam Week - 10 Jun 2019

Module/Topic	Chapter	Events and Submissions/Topic

### Exam Week - 17 Jun 2019

Module/Topic	Chapter	Events and Submissions/Topic

## Assessment Tasks

### 1 Practical Skills Task- Bail Application

**Assessment Type**

Written Assessment

**Task Description**

This assignment will be released on Moodle. The assignment document will include a problem scenario, the assignment question, instructions and marking rubric. You will be required to undertake research of legislation and case law and apply this research to support your legal argument and conclusion.

**Assessment Due Date**

Week 4 Friday (5 Apr 2019) 11:45 pm AEST

To be uploaded to Moodle via the assessment 1 upload link as a word document

**Return Date to Students**

Week 7 Friday (3 May 2019)

The assessment with feedback will be returned approximately two weeks after all students in this unit, including those with an approved extension, have submitted their assessment.

**Weighting**

40%

**Assessment Criteria**

You will be assessed according to the rubric provided in the assignment document.

**Referencing Style**

- [Australian Guide to Legal Citation, 3rd ed](#)

**Submission**

Online

**Submission Instructions**

To be uploaded on Moodle via the Assessment 1 upload link in a word document.

**Learning Outcomes Assessed**

- Research and apply principles of criminal law in Queensland as expressed in legislation and case law to the analysis of criminal law problems
- Apply skills in communication, critical legal thinking and reasoning.

**Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

### Examination

**Outline**

Complete an invigilated examination.

**Date**

During the examination period at a CQUniversity examination centre.

**Weighting**

60%

**Length**

120 minutes

**Exam Conditions**

Open Book.

**Materials**

Dictionary - non-electronic, concise, direct translation only (dictionary must not contain any notes or comments).

## 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