

# LAW104 Criminal Law and Procedure B

**School:** School of Law and Society

2022 | Semester 2

UniSC Sunshine Coast

**BLENDED  
LEARNING**

Most of your course is on campus but you may be able to do some components of this course online.

*Please go to [usc.edu.au](http://usc.edu.au) for up to date information on the teaching sessions and campuses where this course is usually offered.*

## 1. What is this course about?

### 1.1. Description

This course introduces you to criminal procedure. You will consider the operations of the criminal justice system in some detail, acquiring knowledge of police powers of investigation, arrest and questioning, bail, criminal trials, sentencing, and appeals against conviction and sentence. While the course deals primarily with criminal law and procedure in Queensland, you will also consider criminal procedure under Commonwealth law as well as comparative materials from other jurisdictions.

### 1.2. How will this course be delivered?

ACTIVITY	HOURS	BEGINNING WEEK	FREQUENCY
<b>BLENDED LEARNING</b>			
<b>Lecture</b> – On campus lecture - 2 hours in weeks 1-6 and 8-13.	2hrs	Week 1	12 times
<b>Tutorial/Workshop 1</b> – On campus and/or online tutorial - 1 hour in weeks 2-6 and 8-13.	1hr	Week 2	11 times

### 1.3. Course Topics

Arrest, questioning and detention

Police investigative powers and accountability

Compelling attendance at court and bail

Courts and diversion programs

Fair trial, legal representation, onus and burden of proof

Double punishment

Double Jeopardy

Sentencing

Sentencing and restorative justice

Domestic Violence

Victims compensation, confiscation of profits and appeals

## 2. What level is this course?

100 Level (Introductory)

Engaging with discipline knowledge and skills at foundational level, broad application of knowledge and skills in familiar contexts and with support. Limited or no prerequisites. Normally, associated with the first full-time study year of an undergraduate program.

## 3. What is the unit value of this course?

12 units

## 4. How does this course contribute to my learning?

COURSE LEARNING OUTCOMES		GRADUATE QUALITIES
On successful completion of this course, you should be able to...		Completing these tasks successfully will contribute to you becoming...
1	Demonstrate knowledge of important rules of criminal procedure in Queensland.	Knowledgeable
2	Identify legal issues, apply legal reasoning and reach arguable conclusions in response to issues arising in criminal procedure.	Empowered
3	Demonstrate knowledge of the ethical issues that may confront a criminal lawyer and explain appropriate professional responses to those issues.	Ethical
4	Understand the various procedural steps followed in the hearing of a criminal matter by simulating the role of counsel in the moot court and observing a real life criminal case; and reflecting on these experiences.	Empowered Engaged

## 5. Am I eligible to enrol in this course?

Refer to the [UniSC Glossary of terms](#) for definitions of “pre-requisites, co-requisites and anti-requisites”.

### 5.1. Pre-requisites

LAW103 and enrolled in any Law Program

### 5.2. Co-requisites

LAW102

### 5.3. Anti-requisites

Not applicable

### 5.4. Specific assumed prior knowledge and skills (where applicable)

Knowledge and skills demonstrated by successful completion of LAW103

## 6. How am I going to be assessed?

### 6.1. Grading Scale

Standard Grading (GRD)

High Distinction (HD), Distinction (DN), Credit (CR), Pass (PS), Fail (FL).

### 6.2. Details of early feedback on progress

In your tutorial in weeks 2-6, you will engage in activities that ask you to self-assess and reflect on your learning; and provide peer feedback on tutorial answers.

### 6.3. Assessment tasks

DELIVERY MODE	TASK NO.	ASSESSMENT PRODUCT	INDIVIDUAL OR GROUP	WEIGHTING %	WHAT IS THE DURATION / LENGTH?	WHEN SHOULD I SUBMIT?	WHERE SHOULD I SUBMIT IT?
All	1	Written Piece	Individual	25%	1000 words	Week 4	Online Assignment Submission with plagiarism check
All	2	Journal	Individual	25%	1000 words	Week 9	Online Assignment Submission with plagiarism check
All	3	Examination - Centrally Scheduled	Individual	50%	4 hours	Exam Period	Online Assignment Submission with plagiarism check

#### All - Assessment Task 1: Legal advice on police interview

GOAL:	The goal of this legal advice is to assess your understanding of police powers to detain and question a witness. You will be provided with a police interview transcript that mirrors a real life scenario and you will be assessed your legal problem solving skills.		
PRODUCT:	Written Piece		
FORMAT:	This is an individual word processed legal advice to a partner of a law firm. Use size 12 Times New Roman font, 1.5 line spacing and 2 cm margins. Cite your authorities in accordance with the Australian Guide to Legal Citation (4th edition).		
CRITERIA:	No.		Learning Outcome assessed
	1	Identifies the relevant legal issues in the factual problem.	2
	2	Explains the relevant rules of criminal procedure derived from statute and case law.	1
	3	Applies legal reasoning to the factual problem.	2
	4	Reaches arguable conclusions	2
GENERIC SKILLS:	Communication, Problem solving		

#### All - Assessment Task 2: Reflective journal

GOAL:	The goal of this reflective journal is to assess your ability to reflect on criminal procedure; the roles of counsel and a Judge/Magistrate in a real courtroom; and your ability to simulate counsel.						
PRODUCT:	Journal						
FORMAT:	This is an individual word processed reflective journal. Use size 12 Times New Roman font, 1.5 line spacing and 2 cm margins.						
CRITERIA:	No.						Learning Outcome assessed
	1	Engages in reflective practice.					1 3 4
GENERIC SKILLS:	Communication						

### All - Assessment Task 3: Open book examination

<b>GOAL:</b>	The goal of this open book examination is to assess your understanding of criminal procedure. You will be provided with two factual problems that mirror a real life scenario and you will be assessed your legal problem solving skills.		
<b>PRODUCT:</b>	Examination - Centrally Scheduled		
<b>FORMAT:</b>	This is an online individual open book examination completed during the central examination period. You will be given 4 hours to complete the examination. All topics covered in this course are potentially examinable.		
<b>CRITERIA:</b>	<b>No.</b>		<b>Learning Outcome assessed</b>
	1	Identifies the relevant legal issues in the factual problem.	2
	2	Explains the relevant rules of criminal procedure derived from statute and case law.	1
	3	Applies legal reasoning to the factual problem.	2
	4	Reaches arguable conclusions	2
<b>GENERIC SKILLS:</b>	Communication, Problem solving		

## 7. Directed study hours

A 12-unit course will have total of 150 learning hours which will include directed study hours (including online if required), self-directed learning and completion of assessable tasks. Student workload is calculated at 12.5 learning hours per one unit.

## 8. What resources do I need to undertake this course?

Please note: Course information, including specific information of recommended readings, learning activities, resources, weekly readings, etc. are available on the course Canvas site– Please log in as soon as possible.

### 8.1. Prescribed text(s) or course reader

Please note that you need to have regular access to the resource(s) listed below. Resources may be required or recommended.

REQUIRED?	AUTHOR	YEAR	TITLE	EDITION	PUBLISHER
Required	KELLEY BURTON, THOMAS CROFTS & STELLA TARRANT	2020	PRINCIPLES OF CRIMINAL LAW IN QUEENSLAND AND WESTERN AUSTRALIA	3RD	THOMSON REUTERS
Required	KELLEY BURTON	2015	CRIMINAL LAW IN QUEENSLAND AND WESTERN AUSTRALIA	2ND	LEXISNEXIS

### 8.2. Specific requirements

Not applicable

## 9. How are risks managed in this course?

Health and safety risks for this course have been assessed as low. It is your responsibility to review course material, search online, discuss with lecturers and peers and understand the health and safety risks associated with your specific course of study and to familiarise yourself with the University's general health and safety principles by reviewing the [online induction training for students](#), and following the instructions of the University staff.

## 10. What administrative information is relevant to this course?

### 10.1. Assessment: Academic Integrity

Academic integrity is the ethical standard of university participation. It ensures that students graduate as a result of proving they are competent in their discipline. This is integral in maintaining the value of academic qualifications. Each industry has expectations and standards of the skills and knowledge within that discipline and these are reflected in assessment.

Academic integrity means that you do not engage in any activity that is considered to be academic fraud; including plagiarism, collusion or outsourcing any part of any assessment item to any other person. You are expected to be honest and ethical by completing all work yourself and indicating in your work which ideas and information were developed by you and which were taken from others. You cannot provide your assessment work to others. You are also expected to provide evidence of wide and critical reading, usually by using appropriate academic references.

In order to minimise incidents of academic fraud, this course may require that some of its assessment tasks, when submitted to Canvas, are electronically checked through Turnitin. This software allows for text comparisons to be made between your submitted assessment item and all other work to which Turnitin has access.

## 10.2. Assessment: Additional Requirements

### Eligibility for Supplementary Assessment

Your eligibility for supplementary assessment in a course is dependent of the following conditions applying:

The final mark is in the percentage range 47% to 49.4%

The course is graded using the Standard Grading scale

You have not failed an assessment task in the course due to academic misconduct

## 10.3. Assessment: Submission penalties

Late submission of assessment tasks may be penalised at the following maximum rate:

- 5% (of the assessment task's identified value) per day for the first two days from the date identified as the due date for the assessment task.

- 10% (of the assessment task's identified value) for the third day - 20% (of the assessment task's identified value) for the fourth day and subsequent days up to and including seven days from the date identified as the due date for the assessment task.

- A result of zero is awarded for an assessment task submitted after seven days from the date identified as the due date for the assessment task. Weekdays and weekends are included in the calculation of days late. To request an extension you must contact your course coordinator to negotiate an outcome.

## 10.4. SafeUniSC

UniSC is committed to a culture of respect and providing a safe and supportive environment for all members of our community. For immediate assistance on campus contact SafeUniSC by phone: [07 5430 1168](tel:0754301168) or using the [SafeZone](#) app. For general enquires contact the SafeUniSC team by phone [07 5456 3864](tel:0754563864) or email [safe@usc.edu.au](mailto:safe@usc.edu.au).

The SafeUniSC Specialist Service is a Student Wellbeing service that provides free and confidential support to students who may have experienced or observed behaviour that could cause fear, offence or trauma. To contact the service call [07 5430 1226](tel:0754301226) or email [studentwellbeing@usc.edu.au](mailto:studentwellbeing@usc.edu.au).

## 10.5. Study help

For help with course-specific advice, for example what information to include in your assessment, you should first contact your tutor, then your course coordinator, if needed.

If you require additional assistance, the Learning Advisers are trained professionals who are ready to help you develop a wide range of academic skills. Visit the [Learning Advisers](#) web page for more information, or contact Student Central for further assistance: +61 7 5430 2890 or [studentcentral@usc.edu.au](mailto:studentcentral@usc.edu.au).

## 10.6. Wellbeing Services

Student Wellbeing provide free and confidential counselling on a wide range of personal, academic, social and psychological matters, to foster positive mental health and wellbeing for your academic success.

To book a confidential appointment go to [Student Hub](#), email [studentwellbeing@usc.edu.au](mailto:studentwellbeing@usc.edu.au) or call 07 5430 1226.

## 10.7. AccessAbility Services

Ability Advisers ensure equal access to all aspects of university life. If your studies are affected by a disability, learning disorder mental health issue, injury or illness, or you are a primary carer for someone with a disability or who is considered frail and aged, [AccessAbility Services](#) can provide access to appropriate reasonable adjustments and practical advice about the support and facilities available to you throughout the University.

To book a confidential appointment go to [Student Hub](#), email [AccessAbility@usc.edu.au](mailto:AccessAbility@usc.edu.au) or call 07 5430 2890.

## 10.8. Links to relevant University policy and procedures

For more information on Academic Learning & Teaching categories including:

- Assessment: Courses and Coursework Programs
- Review of Assessment and Final Grades
- Supplementary Assessment
- Central Examinations
- Deferred Examinations
- Student Conduct
- Students with a Disability

For more information, visit <https://www.usc.edu.au/explore/policies-and-procedures#academic-learning-and-teaching>

## 10.9. Student Charter

UniSC is committed to excellence in teaching, research and engagement in an environment that is inclusive, inspiring, safe and respectful. The [Student Charter](#) sets out what students can expect from the University, and what in turn is expected of students, to achieve these outcomes.

## 10.10. General Enquiries

### In person:

- **UniSC Sunshine Coast** - Student Central, Ground Floor, Building C, 90 Sippy Downs Drive, Sippy Downs
- **UniSC Moreton Bay** - Service Centre, Ground Floor, Foundation Building, Gympie Road, Petrie
- **UniSC SouthBank** - Student Central, Building A4 (SW1), 52 Merivale Street, South Brisbane
- **UniSC Gympie** - Student Central, 71 Cartwright Road, Gympie
- **UniSC Fraser Coast** - Student Central, Student Central, Building A, 161 Old Maryborough Rd, Hervey Bay
- **UniSC Caboolture** - Student Central, Level 1 Building J, Cnr Manley and Tallon Street, Caboolture

**Tel:** +61 7 5430 2890

**Email:** [studentcentral@usc.edu.au](mailto:studentcentral@usc.edu.au)