



## UNSW Course Outline

# JURD7302 Advanced Criminal Law - 2024

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## General Course Information

Course Code : JURD7302

Year : 2024

Term : Term 3

Teaching Period : T3

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Law, Society and Criminology

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

The course builds on understandings gained in the core criminal law courses and uses a number of topics to develop a detailed understanding of the principles and political pressures that shape criminal law and the criminal process. The course draws on multi-disciplinary perspectives to

offer students different ways to understand and critique the operation of the criminal justice system. Topics also allow for an examination of theoretical and philosophical perspectives on criminal law.

The course provides an opportunity to study areas of criminal law that are not covered in Crime and the Criminal Process, Criminal Laws as well as develop deeper and more comprehensive knowledge of topics from those courses. It is related to Court Process, Evidence and Proof which covers criminal procedure and the law of evidence. The course is responsive to contemporary developments in the criminal law and justice system and so the exact topics covered from year to year will vary.

This course also allows students to develop their own legal and inter-disciplinary research skills through a self-directed research project.

**Topics covered in the course may include:**

- Indigenous justice issues
- white collar crime
- gender, crime and the criminal process

## **Course Aims**

This course provides an opportunity for students to further explore issues of current importance in criminal law. The course builds on understandings gained in Criminal Laws 1 and 2 and uses a number of representative topics to develop a detailed understanding of the principles and political pressures that shape criminal law and an examination of theoretical and philosophical perspectives on the criminal law.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Understanding of key processes involved in criminalisation and the development of the criminal law (the development of policy analysis skills which are transferable and interdisciplinary intellectual skills) (PLOs 1, 3 & 7)
CLO2 : An ability to utilise a range of legal and interdisciplinary sources by way of the development of research skills (PLOs 6 & 8)
CLO3 : Knowledge of substantive criminal law - both common law and statutory (core disciplinary knowledge) (PLOs 1, 4 & 5)
CLO4 : Ability to consider some of the key process and ethical issues involved in the criminal process which feed into the development of personal and professional values (PLOs 2, 3 & 11)
CLO5 : Capacity to construct an argument, both written and oral, which combines doctrinal and interdisciplinary research skills, detailed doctrinal disciplinary knowledge, and enhanced policy skills (PLOs 5, 6, 7, 9 & 10)

Course Learning Outcomes	Assessment Item
CLO1 : Understanding of key processes involved in criminalisation and the development of the criminal law (the development of policy analysis skills which are transferable and interdisciplinary intellectual skills) (PLOs 1, 3 & 7)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Reflective Notes</li> <li>• Research Essay</li> </ul>
CLO2 : An ability to utilise a range of legal and interdisciplinary sources by way of the development of research skills (PLOs 6 & 8)	<ul style="list-style-type: none"> <li>• Research Essay Proposal</li> <li>• Research Essay</li> </ul>
CLO3 : Knowledge of substantive criminal law - both common law and statutory (core disciplinary knowledge) (PLOs 1, 4 & 5)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Reflective Notes</li> <li>• Research Essay</li> </ul>
CLO4 : Ability to consider some of the key process and ethical issues involved in the criminal process which feed into the development of personal and professional values (PLOs 2, 3 & 11)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Reflective Notes</li> </ul>
CLO5 : Capacity to construct an argument, both written and oral, which combines doctrinal and interdisciplinary research skills, detailed doctrinal disciplinary knowledge, and enhanced policy skills (PLOs 5, 6, 7, 9 & 10)	<ul style="list-style-type: none"> <li>• Research Essay Proposal</li> <li>• Class Participation</li> <li>• Reflective Notes</li> <li>• Research Essay</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	15%	Start Date: Not Applicable Due Date: Ongoing Post Date: 22/11/2024 11:30 PM
Reflective Notes Assessment Format: Individual Short Extension: Yes (2 days)	25%	Start Date: Not Applicable Due Date: Variable
Research Essay Proposal Assessment Format: Individual Short Extension: Yes (2 days)	5%	Start Date: Not Applicable Due Date: 04/10/2024 04:00 PM
Research Essay Assessment Format: Individual Short Extension: Yes (2 days)	55%	Start Date: Not Applicable Due Date: 22/11/2024 11:59 PM

## Assessment Details

### Class Participation

#### Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

#### Course Learning Outcomes

- CL01 : Understanding of key processes involved in criminalisation and the development of the criminal law (the development of policy analysis skills which are transferable and interdisciplinary intellectual skills) (PLOs 1, 3 & 7)
- CL03 : Knowledge of substantive criminal law - both common law and statutory (core disciplinary knowledge) (PLOs 1, 4 & 5)
- CL04 : Ability to consider some of the key process and ethical issues involved in the criminal process which feed into the development of personal and professional values (PLOs 2, 3 & 11)
- CL05 : Capacity to construct an argument, both written and oral, which combines doctrinal and interdisciplinary research skills, detailed doctrinal disciplinary knowledge, and enhanced policy skills (PLOs 5, 6, 7, 9 & 10)

#### Detailed Assessment Description

Students will be assessed primarily by participation in synchronous classes, including during small group work. This may be supplemented by additional contributions to a Moodle online discussion forum for that class topic where available, or in the general online discussion forum.

### **Assessment Length**

N/A

### **Submission notes**

N/A

### **Assessment information**

See detailed information about class participation criteria on Moodle.

### **Assignment submission Turnitin type**

Not Applicable

### **Generative AI Permission Level**

#### **No Assistance**

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

You must not use generative AI in class to generate real time interpretation and/or translation of what is being discussed in classes by either the lecturer or your fellow students. Nor should you use generative AI to assist you to formulate a question or response during class discussions, except with explicit permission from the lecturer for a specific use case.

## **Reflective Notes**

### **Assessment Overview**

This assessment requires you to complete 2 written reflective notes.

### **Course Learning Outcomes**

- CL01 : Understanding of key processes involved in criminalisation and the development of the criminal law (the development of policy analysis skills which are transferable and interdisciplinary intellectual skills) (PLOs 1, 3 & 7)
- CL03 : Knowledge of substantive criminal law - both common law and statutory (core disciplinary knowledge) (PLOs 1, 4 & 5)
- CL04 : Ability to consider some of the key process and ethical issues involved in the criminal process which feed into the development of personal and professional values (PLOs 2, 3 & 11)
- CL05 : Capacity to construct an argument, both written and oral, which combines doctrinal and interdisciplinary research skills, detailed doctrinal disciplinary knowledge, and enhanced

policy skills (PLOs 5, 6, 7, 9 & 10)

### **Detailed Assessment Description**

You are required to submit 2 reflective notes at different points in the term. One of your reflective notes can be on the same topic as your research proposal but you must not include any duplication of text between your Reflective Note and your proposal and/or final essay.

### **Assessment Length**

500 words each

### **Submission notes**

N/A

### **Assessment information**

See information on Moodle.

### **Assignment submission Turnitin type**

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

### **Generative AI Permission Level**

#### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

You may use standard editing assistance associated with word processing programs such as Word to edit and refine your reflective notes.

## **Research Essay Proposal**

### **Assessment Overview**

This assessment requires you to write a proposal for a research essay.

### **Course Learning Outcomes**

- CLO2 : An ability to utilise a range of legal and interdisciplinary sources by way of the development of research skills (PLOs 6 & 8)
- CLO5 : Capacity to construct an argument, both written and oral, which combines doctrinal and interdisciplinary research skills, detailed doctrinal disciplinary knowledge, and enhanced policy skills (PLOs 5, 6, 7, 9 & 10)

### **Detailed Assessment Description**

To assist you with the formulation of an appropriate topic for your research project/essay you are required to submit a written proposal which clearly outlines your topic, the question(s) you plan to answer, and an explanation of how you plan to go about doing so (i.e. your methodology). We will be discussing how to plan an independent research project, and introducing you to some examples of research methodologies in class.

### **Assessment Length**

400 words

### **Assignment submission Turnitin type**

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

### **Hurdle rules**

Students must submit an research project/essay proposal to be able to progress to the final assessment.

### **Generative AI Permission Level**

#### **Planning/Design Assistance**

You are permitted to use generative AI tools, software or services to generate initial ideas, structures, or outlines. However, you must develop or edit those ideas to such a significant extent that what is submitted is your own work, i.e., what is generated by the tool, software or service should not be a part of your final submission. You should keep copies of your iterations to show your Course Authority if there is any uncertainty about the originality of your work.

If your Convenor has concerns that your answer contains passages of AI-generated text or media that have not been sufficiently modified you may be asked to explain your work, but we recognise that you are permitted to use AI generated text and media as a starting point and some traces may remain. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

You must include attribution if you rely on generative AI in preparing a research essay proposal. This could include using generative AI to identify gaps in a field, identify sources or references that may be of assistance to you in building your research essay. You should clearly identify which text has been generated by AI and all sources that have been suggested by generative AI in your proposal.

## **Research Essay**

### **Assessment Overview**

This assessment requires you to write a research essay.

### **Course Learning Outcomes**

- CL01 : Understanding of key processes involved in criminalisation and the development of the criminal law (the development of policy analysis skills which are transferable and interdisciplinary intellectual skills) (PLOs 1, 3 & 7)
- CL02 : An ability to utilise a range of legal and interdisciplinary sources by way of the development of research skills (PLOs 6 & 8)
- CL03 : Knowledge of substantive criminal law - both common law and statutory (core disciplinary knowledge) (PLOs 1, 4 & 5)
- CL05 : Capacity to construct an argument, both written and oral, which combines doctrinal and interdisciplinary research skills, detailed doctrinal disciplinary knowledge, and enhanced policy skills (PLOs 5, 6, 7, 9 & 10)

### **Detailed Assessment Description**

The independent research project/essay must take the form of a coherent, critical and cohesive research essay or an equivalent piece of scholarly writing (this could be in the form of a law reform submission or evidence-based policy proposal), or an audio-visual/creative output underpinned by documented research and supplementary commentary. All research projects must have a clearly articulated methodology underpinning the approach to the analysis. Your topic must have been approved by the course convenors in advance (ordinarily this will be via feedback on your proposal).

### **Assessment Length**

4000 words

### **Assignment submission Turnitin type**

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

### **Generative AI Permission Level**

### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

You may use standard editing assistance available via word processing programs such as Word.

## General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

### Grading Basis

Standard

## Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Topic	Criminalisation Theory & Discretion in the Criminal Justice System
Week 2 : 16 September - 22 September	Seminar	Research Methods for Law and Criminology
Week 3 : 23 September - 29 September	Seminar	See T3 2024 Moodle Page
Week 4 : 30 September - 6 October	Seminar	See T3 2024 Moodle Page
Week 5 : 7 October - 13 October	Other	No synchronous class this week (Public Holiday)
Week 6 : 14 October - 20 October	Other	Reading week - no class
Week 7 : 21 October - 27 October	Seminar	See T3 2024 Moodle Page
Week 8 : 28 October - 3 November	Seminar	See T3 2024 Moodle Page
Week 9 : 4 November - 10 November	Seminar	See T3 2024 Moodle Page
Week 10 : 11 November - 17 November	Seminar	See T3 2024 Moodle Page

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public

holiday, alternative arrangements will be made by the course convenor to make up the missed class.

## General Schedule Information

Class Schedule and Reading List will be available on Moodle.

## Course Resources

### Prescribed Resources

Course Readings will be available on Leganto via the course Moodle page.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Mehera San Roque					Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

### UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class

Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

## Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

## Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written

assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.