



UNSW Course Outline

LAWS8214 Global Common Law Systems - 2024

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General Course Information

Course Code : LAWS8214

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Global and Public Law

Delivery Mode : Multimodal

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

This course is an overview of the functioning of common law systems for lawyers trained in other systems, and also to students without training in law, with an emphasis on the legal system in Australia and other common law jurisdictions. Its objective is to frame Australian law in its

broader context, from two perspectives. The first is to offer a comparative law perspective, since Australia is part of only one legal family, the common law. The second perspective arises from international law, given the ever-increasing interaction between Australian law and other legal systems, and the influence of international law in Australia. The course will also contain a significant essay writing component, to prepare students to, in their other courses, think critically and academically in the Australian context.

Main Topics:

- The Australian Legal System, the Court System, Reading Cases
- Introduction to Comparative Law and Legal Transplantation (Including the Reception of English Law in NSW)
- Origins of the Common Law, Doctrine of Precedent
- Federalism and the Status of Indigenous Law
- The Relationships between Domestic and International Law in the Common Law World
- Equity in the Common Law World through the Perspective of Private International Law
- Academic Legal Writing

Course Aims

The purpose of this course is to prepare graduate students who trained in civil law countries and students who trained in other disciplines for adequate engagement with postgraduate studies in law.

Relationship to Other Courses

The course aims to equip students with a basic understanding of common law systems in general, and the Australian legal system in particular. This knowledge is essential background for the study of specialised legal topics in other masters courses.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Students will be able to demonstrate disciplinary knowledge about the place of the Australian Legal System in relation to other domestic legal systems (PLOs 1 and 3)
CLO2 : Students will map the relationships between domestic and international law in Australia (PLOs 1, 2 and 3)
CLO3 : Students will be able to recognize the intricacies of the relationships between Indigenous and non-Indigenous legal systems in Australia and other Common Law countries with significant Indigenous populations (PLOs 1, and 3)
CLO4 : Students will engage in and produce scholarly legal writing relevant to their fields of specialization (PLOs 2 and 4)

Course Learning Outcomes	Assessment Item
CLO1 : Students will be able to demonstrate disciplinary knowledge about the place of the Australian Legal System in relation to other domestic legal systems (PLOs 1 and 3)	<ul style="list-style-type: none"> • Class Participation • Research Essay
CLO2 : Students will map the relationships between domestic and international law in Australia (PLOs 1, 2 and 3)	<ul style="list-style-type: none"> • Article response essay • Class Participation • Research Essay
CLO3 : Students will be able to recognize the intricacies of the relationships between Indigenous and non-Indigenous legal systems in Australia and other Common Law countries with significant Indigenous populations (PLOs 1, and 3)	<ul style="list-style-type: none"> • Class Participation
CLO4 : Students will engage in and produce scholarly legal writing relevant to their fields of specialization (PLOs 2 and 4)	<ul style="list-style-type: none"> • Article response essay • Research Essay

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

The course is not taught in the typical way in the Faculty. The format will be 8 x 1hr lectures (on Tuesdays starting 20 February, 2024) followed by 8 x 2hr tutorials. The tutorials will follow the pattern of seminars in the Faculty, namely they will be in interactive mode, with students expected to have read prescribed material before each class.

Additional Course Information

This course will be taught in a different format this term. It will be taught over 8 weeks, and consist of 8 x 1hr lectures (to be attended by the entire cohort) and 8 x 2hr tutorials (to be composed of smaller groups of up to 25 students). The lecture is intended to provide students with an overall outline of the topics covered. The tutorials will examine those topics in greater detail, with students required to read set materials in advance and to participate actively in class discussion.

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Article response essay Assessment Format: Individual	40%	Start Date: Not Applicable Due Date: 24/03/2024 11:59 PM
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable
Research Essay Assessment Format: Individual	40%	

Assessment Details

Article response essay

Assessment Overview

Students will be free to choose from a list of journal articles or book chapters a piece of legal scholarship that will require detailed analysis and high-level comprehension of the arguments and evidence provided by the author.

Course Learning Outcomes

- CLO2 : Students will map the relationships between domestic and international law in Australia (PLOs 1, 2 and 3)
- CLO4 : Students will engage in and produce scholarly legal writing relevant to their fields of specialization (PLOs 2 and 4)

Detailed Assessment Description

Students will be provided with a list of publications to choose from to write their review/response. The list will cover a range of different topics that have been examined in the course, and that will be relevant to various LLM specialisations.

Assessment Length

1500 words

Assignment submission Turnitin type

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

Class Participation

Assessment Overview

Feedback includes formative feedback, peer feedback in class, online .

Course Learning Outcomes

- CL01 : Students will be able to demonstrate disciplinary knowledge about the place of the Australian Legal System in relation to other domestic legal systems (PLOs 1 and 3)
- CL02 : Students will map the relationships between domestic and international law in Australia (PLOs 1, 2 and 3)
- CL03 : Students will be able to recognize the intricacies of the relationships between Indigenous and non-Indigenous legal systems in Australia and other Common Law countries with significant Indigenous populations (PLOs 1, and 3)

Detailed Assessment Description

Class participation will be based on contributions to discussion in the tutorials only. There will be required reading for all tutorials which students will be expected to have read. The readings will expand on the topic addressed in the lecture. It is not the quantity of contribution that will be assessed but the quality, as measured by the student's depth of understanding and analysis.

Assessment Length

Not applicable

Assignment submission Turnitin type

Not Applicable

Research Essay

Assessment Overview

This essay will require essay comparing a legal topic in a common law country to the same topic in a civil law country and / or international law. This assessment will test basic knowledge and skills acquired during the course, while at the same time providing enough flexibility for students to pursue a topic that may work for their interests or prospective specialisations.

Course Learning Outcomes

- CL01 : Students will be able to demonstrate disciplinary knowledge about the place of the Australian Legal System in relation to other domestic legal systems (PLOs 1 and 3)
- CL02 : Students will map the relationships between domestic and international law in Australia (PLOs 1, 2 and 3)
- CL04 : Students will engage in and produce scholarly legal writing relevant to their fields of specialization (PLOs 2 and 4)

Detailed Assessment Description

In their essay, students will need to analyse key elements of the legal topic or subject in their legal system of choice (civil law or international law) with one in a common law country. This exercise may touch on different historical origins, or different practical outcomes or reflect very different social values, or political choices. Because this is a legal essay, some examination of detailed legal rules will be of central importance.

General Assessment Information

Although the course is a general introduction to the common law and its particular development in Australia, students will be assessed on how they understand where the Australian legal sits in the family of common law jurisdictions in general, as well as how it compares with civil law and mixed jurisdictions. This broad understanding will be assessed by reference to the extent to which students have grasped how detailed elements of the systems - courts, legislatures, legal professions - interact. Because of the importance of writing in legal practice, the ability to write essays is the central component of assessment.

Grading Basis

Standard

Requirements to pass course

A clear capacity to write in an analytical way in essay format will be required in order to pass the course.

Course Schedule

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

See class schedule on the course Moodle page. It details the lectures and tutorial times and locations.

Course Resources

Prescribed Resources

See Moodle for materials. They will include both written material (articles, chapters and extracts from books, cases and legislation) and recorded lectures, TV presentations etc.

Recommended Resources

Recommended reading and other material will be included as part of the Moodle resources.

Additional Costs

There are no additional costs for the course.

Course Evaluation and Development

Students will be encouraged to provide formal feedback about the course at the completion of the course. This feedback will then be used to inform any changes to the design of and materials in the course in future offerings of the course.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Brendan Edgeworth		Law School	0409771991	12-2pm M/Th	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.

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.