



## UNSW Course Outline

# LAWS3321 Introduction to the Australian Legal System - 2024

Published on the 13 May 2024

## General Course Information

Course Code : LAWS3321

Year : 2024

Term : Term 2

Teaching Period : T2

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Global and Public Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Undergraduate

Units of Credit : 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

Different legal systems have evolved in different parts of the world. Australia is a common law country – its legal system is based on the English common law system. This course offers students a comprehensive introduction to the Australian legal system, a common law system,

and contrasts it with the civil law system.

The course will examine the historical origins of the Australian legal system, some of the principles underpinning its legal system, including the importance of the concept of the rule of law. It also covers the operation of the principal institutions of the legal system, the legislative and executive arms of government and the judiciary and courts. This will include the jurisdiction of Australian courts, the process by which cases are decided and the doctrine of precedent, consideration of alternative methods of dispute resolution and an examination of the role of the legal profession. There will also be an overview of the main branches of law.

First Nations laws will be explored and there will be a critical analysis of the circumstances of the adoption of the common law in Australia and the effect on the First Nations people. There will also be discussion of the recognition of customary law and native title.

No prior knowledge of the Australian legal system is required. A major focus of the course is the social relevance of law in our daily lives and in today's society.

### **Main topics**

- The Rule of Law
- The Common Law Legal System
- Other Types of Legal Systems
- The Separation of Powers
- The Federal Constitution
- Parliamentary Sovereignty
- Legislation by Parliament
- Hierarchy of Courts
- The Doctrine of Precedent
- The Legal Profession
- Alternative Forms of Dispute Resolution
- Tribunals
- Contract Law
- Tort Law
- Criminal Law
- Australian Consumer Law
- Employment Law

## **Relationship to Other Courses**

This course is co-taught with GENL2021. No prior requirement to enrol this course.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Engage in critical analysis of the legal system in practice from a range of perspectives
CLO2 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class
CLO3 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner
CLO4 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively
CLO5 : Engage in critical analysis of key practical problems in the area of law

Course Learning Outcomes	Assessment Item
CLO1 : Engage in critical analysis of the legal system in practice from a range of perspectives	<ul style="list-style-type: none"><li>• Exam</li><li>• Article Review</li><li>• Class Test</li></ul>
CLO2 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class	<ul style="list-style-type: none"><li>• Class Participation</li></ul>
CLO3 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner	<ul style="list-style-type: none"><li>• Class Participation</li></ul>
CLO4 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively	<ul style="list-style-type: none"><li>• Exam</li><li>• Article Review</li><li>• Class Test</li></ul>
CLO5 : Engage in critical analysis of key practical problems in the area of law	<ul style="list-style-type: none"><li>• Exam</li><li>• Article Review</li><li>• Class Test</li></ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

## Learning and Teaching in this course

Different legal systems have evolved in different parts of the world. Australia is a common law country – its legal system is based on the English common law system. This course offers students a comprehensive introduction to the Australian legal system, a common law system, and contrasts it with the civil law system. The course will examine the historical origins of the Australian legal system, some of the principles underpinning our legal system, including the importance of the concept of the rule of law. It also covers the operation of the principal

institutions of the legal system, the legislative and executive arms of government and the judiciary and courts.

This will include the jurisdiction of Australian courts, the process by which cases are decided and the doctrine of precedent, consideration of alternative methods of dispute resolution and an examination of the role of the legal profession. There will also be an overview of the main branches of law. Aboriginal customary law will be looked at and there will be a critical analysis of the circumstances of the adoption of the common law in Australia and the effect on the indigenous people. There will also be examination of the recognition of customary law and native title.

## Additional Course Information

n/a

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Exam Assessment Format: Individual	35%	
Article Review Assessment Format: Individual Short Extension: Yes (2 days)	35%	
Class Participation Assessment Format: Individual	20%	
Class Test Assessment Format: Individual	10%	

### Assessment Details

#### Exam

#### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CL01 : Engage in critical analysis of the legal system in practice from a range of perspectives
- CL04 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively
- CL05 : Engage in critical analysis of key practical problems in the area of law

## Article Review

### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CL01 : Engage in critical analysis of the legal system in practice from a range of perspectives
- CL04 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively
- CL05 : Engage in critical analysis of key practical problems in the area of law

## Class Participation

### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CL02 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class
- CL03 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner

## Class Test

### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CL01 : Engage in critical analysis of the legal system in practice from a range of perspectives
- CL04 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively
- CL05 : Engage in critical analysis of key practical problems in the area of law

## General Assessment Information

1. Class participation 20%
2. Mid-session test 10%
3. Article review 35%
4. Final exam 35%

## Grading Basis

Standard

## Requirements to pass course

Achieve a composite mark of at least 50 marks out of 100 marks.

# Course Schedule

## Attendance Requirements

Please note that lecture recordings are not available for this course. Students are strongly encouraged to attend all classes and contact the Course Authority to make alternative arrangements for classes missed.

## General Schedule Information

Class 1A: Introduction, Reading law as a subject

Class 1B: Types of legal systems; Characteristics of Australian legal system

Class 2A: Separation of powers; Sources of law; Branches of law

Class 2B: Australian courts and its development

Class 3A: The Adversarial system and alternative dispute resolution

Class 3B: Legal profession and legal ethics

Class 4A: Common law system (Judge made law) and the doctrine of precedent

Class 4B: Legislation and statutory interpretation

Class 5A: Legal research

Class 5B: Legal research; legal writing and legal referencing

## Flexibility Week

Class 7A: Contracts

Class 7B: Torts

Class 8A: Property Law

Class 8B: Australian Consumer Law

Class 9A: Employment Law

Class 9B: Criminal Law

Class 10A: Competition Law

Class 10B: Revision class

## Course Resources

### Prescribed Resources

#### Required Texts

- Coorey, A, *Introduction to the Australian Legal System*, (Jurisprudentia, 2<sup>nd</sup>, 2024) – available from the UNSW Bookshop or <https://www.jurisprudentia.com.au/shop/introduction-to-the-australian-legal-system-2nd-edition/108>
- GENL2021/LAWS3321 Reading materials –on Moodle

### Recommended Resources

#### Recommended Texts

- Terry, A and Giugni, D, *Business and the Law*, 7<sup>th</sup> edition, Lawbook Co, 2019—available from UNSW Library (hard copy and e-book) or UNSW Bookshop
- Sanson, M, and Anthony, T, *Connecting with Law*, 5<sup>th</sup> edition, Oxford University Press, 2022—available from UNSW Library (hard copy and e-book) or UNSW Bookshop
- James, N and Thomas, T, *Business Law*, 6<sup>th</sup> edition, Wiley, 2021 – available from UNSW Library (hard copy and e-book) or UNSW Bookshop
- Creyke, R, et al, *Laying Down the Law*, 11<sup>th</sup> edition, Lexis Nexis, 2020—available from UNSW Library (E-book) or UNSW Bookshop
- Hardy, K, *Law in Australian Society*, Allen & Unwin, 2019 —available from UNSW Library (E-book) or UNSW Bookshop

### Additional Costs

n/a

### Course Evaluation and Development

#### Feedback

In this course, feedback will include in-class problem questions (individual and in groups), in-class discussion of material, written feedback on assignments and written feedback on final exams.

## Course development

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law by the implementation of the UNSW myExperience, which allows students to evaluate their learning experiences in an anonymous way. The resulting evaluations are ultimately returned to the Course Convenor, who will use the feedback to make ongoing improvements to the course.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Prue Vines		Faculty of Law and Justice	02 9385 2227	Please email to arrange for the consultation time	Yes	Yes
Facilitator in charge	Pornsakol Coorey		Faculty of Law and Justice	02 9385 2227	Please email to arrange for the consultation time	No	No

## 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.