



THE UNIVERSITY OF
NEW SOUTH WALES

SCHOOL OF LAW

LAWS1011

Criminal Law 2

Undergraduate

Units of Credit: 6

Contact hours per week: 4 hours

COURSE OUTLINE

SESSION 2 2010

Convenor: Sandra Egger

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COURSE INFORMATION

Teaching staff

Staff Member	Room	Email
Sandra Egger	316	s.egger@unsw.edu.au
Ben Fogarty	307	bendotfogarty@hotmail.com
Tyrone Kirchengast	325	t.kirchengast@unsw.edu.au
Irene Nemes	220	i.nemes@unsw.edu.au
Chuan Ng		chuan.ng@fedcourt.gov.au
Melanie Schwartz	378	m.schwartz@unsw.edu.au

If you wish to make an appointment to see your teacher you should either email them or approach them after class to arrange an appointment. Note that appointment times for part-time staff will be limited and it may be better to try to talk to them after class or by email.

Class timetable

Egger	3365	Tue & Fri 9 to 11	Law 201
Kirchengast	3366	Tue & Fri 11 to 1	Law 163
Egger	7784	Tue & Fri 2 to 4	Law 302
Kirchengast	3367	Tue & Fri 2 to 4	Law 163
Fogarty	3368	Tue & Fri 4 to 6	Law 163
Schwartz	3362	Mon & Thu 9 to 11	Law 163
Schwartz	7782	Mon & Thu 11 to 1	Law 302
Nemes	3363	Mon & Thu 11 to 1	Law 201
Nemes	3364	Mon & Thu 2 to 4	Law 201
Ng	7785	Tue & Fri 4 to 6	Law 302

The relationship between Research and Teaching

It is the policy of the Law School as far as possible to allow teachers to teach in their area of research and expertise. This means that students are exposed to academics and researchers who are experts in their fields. The areas of expertise of this course vary. This semester the teachers in this course are:

Sandra Egger has extensive research and policy experience in the criminal justice system, including advising the NSW Government and drafting law reforms in many areas including mental health, domestic violence, sexual assault, child sexual assault, prostitution and alcohol and violence. Dr Egger is a Director of the Board of Justice Health, a member of the Management Board of the NSW DPP an examiner for the Criminal Law Specialist Accreditation

Committee, Law Society of NSW. She is also a former Deputy Director of the Bureau of Crime Statistics and Research.

Ben Fogarty is the Acting Director of Pro Bono at Gilbert+Tobin Lawyers. Prior to this he was the principal solicitor at the Intellectual Disability Rights Service and worked as a solicitor in other community legal centres across Australia. His community legal sector work involved a considerable amount of criminal defence work, principally in the Local and District Courts. His research interests cover the intersection between disability rights and police practice, the prevalence of prisoners with disability and their treatment while incarcerated, and the concepts of legal capacity and competence in criminal procedure. He has also researched and published papers on employment law, disability discrimination law and disability rights.

Tyrone Kirchengast has lectured in criminal law and procedure for the past 6 years. He is the Director of First Year Studies and a Lecturer in the Faculty of Law at UNSW. He completed his PhD in 2004 at La Trobe University, and publishes in the areas of sentencing, victim's rights and criminal justice.

Irene Nemes is a Senior Lecturer in the Law school and has taught criminal law for the past 10 years. Her current research interests pertain to the regulation of criminal activity in virtual worlds. She has co-authored *Effective Legal Research* (with Graeme Coss). Her research interests and publications have centred around the areas of legal research, pornography and sex crimes, hate speech in cyberspace and the regulation of therapeutic cloning. Irene is a recipient of the UNSW Vice Chancellor's Award for Teaching Excellence, and was runner up in the Australian Awards for University Teaching, Law & Legal Studies Category.

Chuan Ng has worked as a research/legal officer at the Royal Commission into the NSW Police Service, as the research assistant to the Judges at Common Law in the Supreme Court of NSW, and as a judge's associate in the District Court. Since 1998 he practiced as a solicitor advocate with the NSW Office of the DPP and the Commonwealth DPP. From 2005 to 2008 Chuan was appointed as In-house Counsel/Commonwealth Crown prosecutor, where he conducted jury trials, sentences and appeals in District Court, and well as appeals in the Supreme Court, NSW Court of Criminal Appeal and Federal Court. Chuan is presently a Registrar of both the Federal Court and Federal Magistrates Court, presiding in bankruptcy, corporations, and migration matters, as well conducting court-annexed mediation as a nationally accredited mediator. Chuan taught Litigation 1 (criminal procedure) in 2001, 2002, 2004, and 2005 at UNSW.

Melanie Schwartz has worked at the Supreme Court, the Australian Human Rights Commission and the Aboriginal Legal Service. Her research interests centre around the interaction between the criminal law and Indigenous communities. She is currently Research Associate to the Australian Prisons Project and has recently completed an assessment of the civil and family law needs of Aboriginal people in NSW for the Legal Aid Commission (with Chris Cunneen). She has also researched and written on circle sentencing, the bail regime and customary law.

The wealth of research and experience of all of these teachers ensures that this course is both current and relevant, as the course description below indicates.

Course Description – about LAWS 1011

Criminal Law 2 follows on from Criminal Law 1 which in turn builds on the main foundation courses such as Foundations of Law and Public Law. It is related to the Litigation course which covers civil and criminal procedure and the law of evidence. The criminal process sections of the Criminal Law course examine aspects of the criminal process in a thematic, contextual and process oriented way, rather than engaging in a detailed doctrinal exposition, which is left to the criminal procedure section of the Litigation course.

Criminal Law 1 introduces the key issues of criminalisation and the impact of criminal process on the practical operation and meaning of criminal statutes. It then examines the core principles that theoretically underpin criminal offences and examines public order and drugs

offences. Criminal Law 2 continues the examination of substantive criminal offences while exploring their operation and connection to the broader social context that they operate in and claim to operate on.

There are a number of undergraduate and postgraduate elective offerings in the criminal justice stream broadly defined, which all draw or build on the Criminal Law courses. In fact there are few areas of law that do not incorporate criminal offences as one arm of regulation of conduct in that area. It is therefore important to understand both how the criminal law has developed and currently operates in its areas of main impact in order to appreciate the potential that criminal offences have to change the nature of regulation of conduct in other areas.

Course Aims

1. The rules of criminal law are shaped by and dependent upon the operation of the criminal justice system. No area of substantive law is self-executing, a factor which is particularly relevant in the area of criminal law. Attention is given to the role of the police, prosecutors, defence counsel, magistrates, judges and juries. Well over 90% of criminal matters in NSW are disposed of without trial by judge and jury. It is crucial, therefore, for a full appreciation of the criminal justice system to understand the processes of the law.
2. Any intending lawyer, whether or not he or she has a special interest in criminal law, ought to have an informed perspective about the many legal, social, political and moral issues squarely raised in the criminal law area. A study of the rules of the criminal law without any attempt to consider a rationale for their existence is futile. Increasingly we hope to focus this study on local materials and issues of contemporary relevance.
3. To examine the so-called general principles of criminal liability and to consider whether criminal law is not better conceived as a diverse field of regulation.
4. To examine some of the major substantive offence categories, starting with Criminal law 1 and continuing in Criminal law 2. These include homicide, assault offences, sexual assaults, property offences, public order offences, drug offences and extending liability (attempt, conspiracy, complicity) offences.
5. To examine the ever-increasing group of offences known as "regulatory offences" which have become of overwhelming practical significance. The very existence of these offences raises crucial issues of policy which are also examined. "Regulatory offences" are also used as the model for sharpening skills of statutory interpretation.
6. To examine the criminal law as a means of solving social problems.

Expected Learning Outcomes

Consistent with the aims of the course as above, the learning outcomes expected on the completion of this course include:

- an understanding of the key processes involved in criminalisation (the development of policy analysis skills which are transferable and interdisciplinary intellectual skills);
- an ability to utilise a range of legal and interdisciplinary sources by way of the development of research skills;
- a knowledge of the substantive criminal law, both common law and statutory (core disciplinary knowledge);
- a consideration of some of the key process and ethical issues involved in the criminal process which feed into the development of personal and professional values;
- a capacity to construct an argument, both written and oral, which combines doctrinal and interdisciplinary research skills, detailed doctrinal disciplinary knowledge, and enhanced policy skills.

Learning Outcomes and Graduate Attributes (GAs)

The UNSW Law School also aims to develop specific attributes (or capabilities) in all of its law graduates. Thus for this course these skills include:

- legal and interdisciplinary research skills;
- skills developed in the discussion of the processes of criminalisation which draw on interdisciplinary sources and which stress not taking the current legal situation as a given and the importance of excavating its complex historical, sociological and political origins;
- skills which enhance a student's capacity to offer professional advice which is informed by policy considerations and an understanding of the complexity of the exercise and regulation of discretion;
- skills of legal research;
- the ability to bring to bear a set of analytical skills which assist in the interpretation of physical and fault elements in a criminal offence;
- skills which stress the importance of an ethical conduct of legal practice including notions of duties and responsibilities to the court;
- skills in the formulation of a legal argument, both written and oral.

Accordingly each assessment item relates to one or more of the Law School GAs.

The overall approach adopted in classes is of an interactive classroom, with students being expected to have read the assigned readings and come to class being prepared to discuss them. Through class discussion of the materials students will develop skills of legal analysis which is informed by policy considerations and conducted within a broadly contextual and socio-legal framework. The ability to construct and develop an oral argument based on a reading of doctrinal sources will be tested by the assessment of class performance.

The ability to bring interdisciplinary research skills to bear in fashioning an argument will be tested in the Research Essay.

Finally, core disciplinary knowledge will be tested by an end of session exam. This exam is typically a mixture of a "problem" question and a "policy" question. This format ensures that the exam is not just an exercise in coverage and recall but also serves to test the ability of students to apply the law to situations which involve an appreciation of contextual and policy oriented factors.

Rationale of our approach to teaching and learning

The philosophy of teaching of the UNSW Faculty of Law is based on the premise that students learn most effectively when they are engaged in the learning process and are supported within their learning environment to take up challenges offered to them. The teaching philosophy in this course is focussed on student-centred learning. Students will be required to read set materials prior to class, in order to be able to engage in discussion with their colleagues during class.

Since a number of teachers will be involved in this subject teaching methods may vary somewhat from group to group, depending on the preference of the individual teacher and the composition of the class. The basic approach taken in the subject is that the teacher leads class discussion of assigned materials which have been prepared beforehand by students. Students will also have opportunities for applying what they are learning, and developing co-operative skills through problem solving of hypothetical questions. This approach is designed both to foster skills referred to earlier and to encourage a thorough understanding of material which, initially at least, may present conceptual difficulties. In some classes students may be asked to present material.

Thorough preparation for class in this subject is required. It is essential to promote a high level of discussion and analysis. It is also necessary to enable students to understand the principles and concepts under consideration. The materials for the course attempt to present new concepts

in a manner that aids understanding, but a failure to grasp material presented earlier in the course may lead to serious difficulties later. It is essential therefore that students keep up to date during the course, and ensure that they understand each area of as it is covered in class.

But to be more specific to this course it may be useful to call attention to the set of organising principles which were used in the preparation of the primary teaching materials for the course, the Criminal Laws text which has now gone through 4 editions and is used as the major teaching text for criminal courses in NSW universities. Those principles are set out in the preface of the 4th edition at pv.

1. We should present materials which will challenge many of the common assumptions about “criminal law”. In particular, we should question the assumptions that:

- the content of the criminal law is inevitable and unchanging;
- criminal laws are the only (or the main) form of social or legal regulation – that the choice is between criminal prohibition or no regulation at all;
- “criminal law” is a discrete and unified area of the law;
- there are general principles which run the breadth of the criminal law and logically (or at least consistently) determine the structure of its rules;
- the language of “rights” and the balancing of rights (for example, the balance between the rights of the accused and the rights of the State) describes the actual, or even the ideal, position across the spectrum of criminal (and other forms of) regulation.

2. Issues of race, class and gender in the operation of the criminal process should be stressed. We should problematise the undiscriminating acceptance of criminal law as the product of social consensus but, at the other extreme, avoid crude portrayals of criminal law as the instrument of a ruling class or as necessarily determined by economic imperatives.

3. Emphasis should be placed on the considerable discretion exercised at every level of the criminal process – in the original decision by members of the public to report events to the police, and in the actions of police, prosecutors, lawyers, probation officers, magistrates, judges, prison officers, parole officers and so on. The courts regard the exercise of most of these discretions as being unreviewable or non-justiciable, so that any analysis which is confined to statutory and case law doctrine is of limited assistance in coming to terms with these critical operational decisions. Attention must therefore be paid to cultural (eg, the “occupational culture of the police”), administrative (eg, the Police Commissioner’s Instructions), political (eg, the influence of “law and order” rhetoric and campaigns on the policing of public order), and other factors, relations and influences which shed light upon the exercise of these varied discretions.

4. The relationship (and often the seamlessness) between substantive and procedural criminal law should be emphasised.

5. The relative empirical importance of different offences, defences and processes should be emphasised, leading in turn to a greater emphasis on policing and on the operations of the lower (magisterial) courts, where the overwhelming proportion of criminal matters are disposed of. Wherever possible, statistical material should be utilised.

6. A broader view of “legal” sources should be taken, so as to include popular cultural forms, and not merely appellate court cases and statutes. We should use materials from other disciplines – especially history, sociology, and feminist theory – which enhance the law-in context approach. To the greatest extent possible, the contextual materials should be Australianised to indicate the particular historical and social imperatives of the development of the criminal process here, rather than relying upon the more voluminous and readily available American and British materials.

7. Focus should be placed primarily on the New South Wales position, avoiding detailed presentation of competing precedent or practice from other jurisdictions. However, a comparative approach should be taken where this effectively highlights the policy issues and alternatives, and/or demonstrates the contingent nature of the law in question.

8. The balance should be shifted from extracts towards commentary, as compared with most other casebooks. Case extracts should be kept down, avoiding the “hide the ball” approach.

Assessment Scheme

Assessment for this course comprises three components:

Research Essay	30%
End of Session Examination	60%
Class Participation	<u>10%</u>
	100%

Essay

You are required to write an assignment on an assigned topic. The word limit is 1500 words. The assignment will be marked in accordance with the School of Law’s Assessment Policies and Procedures <http://www.law.unsw.edu.au/current_students/admininfo/assessmentPoliciesAndProcedures.doc>, as amended by this handout.

Further information will be provided with the Assignment question which will be distributed separately.

Submission Requirements

Assignments are to be submitted via the **Assignment Box** located at Level 2 Enquiry Counter, cleared daily at 9 am and 4 pm. After 4pm the work will be cleared and date stamped by administrative staff on the following working day. You must complete and sign a cover sheet when submitting assignments.

Students should keep copies of all assignments, as well as research notes used in their preparation, in case a resubmission is required later in the course.

Word limit and late submission penalties

The word limit for this assignment is **1500 words**.

The assignment is due by **4pm on Friday 27 August**.

The word limit for assignments is calculated by reference to all text in the body of the assignment, unless specifically instructed otherwise by the course teacher. *For this assignment*, the word limit does not include the bibliography or any footnotes – with the following exception. Overly long and discursive footnotes will be included in the word limit (by this is meant footnotes that go beyond citation and any short comment, and attempt to develop further argument within them).

Word limits are intended to encourage students to clarify their thoughts and express them succinctly. Naturally, it is not expected that assignments of this length will contain the last word on the questions posed. They should, however, make imaginative use of the principal sources relevant to the topic and identify central issues calling for resolution.

If your assignment is over the maximum length, your lecturer may apply a penalty. The penalties are:

- 0-10% excess - no penalty;
- 10%-30% excess - 15% penalty;
- 30% excess and above - 30% penalty.

If your assignment is submitted late it will attract a penalty - unless an extension has previously been granted. The penalty applicable is:

- 5% of available marks for that assessment for each full day (including weekends) that the work is late up to a maximum of 50% penalty.

- Assignments submitted after other assignments have been returned to students may not be accepted by teachers, except in special circumstances

Extensions will only be granted in the case of documented illness or exceptional circumstances.

Assignment format

The assignment is to:

- have margins of at least 3 cms.
- be stapled in the top left hand corner only, and should not be bound, nor submitted inside a plastic sleeve or any other folder.

You are not required to write an abstract.

Use of headings is encouraged.

Assignment Style

The assignment should be written in a discursive academic style. One important aspect of such a style is that the argument you make is not based on your own opinion, but on your analysis of academic sources you refer to in your evaluation. In most cases this will be a comparative analysis or a synthesis of the findings or arguments of a number of sources on any one aspect of your argument. All propositions in your paper should be based on either academic journal articles or books, government reports, legislation or case law. Occasional reference to other non-academic sources is permitted for the purposes of illustration, but the main weight of any argument should not be based on them.

For a very good overview of what is involved in an academic law essay – and what to do to ensure your assignment gains the most possible marks – see:

“Writing Law Essays: Common Features and Processes”, Language and Learning Skills Unit, Melbourne University.

<http://www.law.unimelb.edu.au/lrc/pub/legal_research/Writing_Law_Essays_hp.html>

The Learning Centre <<http://www.lc.unsw.edu.au>> is also a very good source of information about how to write essays. The Centre is also available for individual consultation about your assignment and any issues you might have. They can be contacted through their website or on 9385 2060.

This assessment is designed to test your ability to research and reason independently. To ensure equity among students, teachers will not give you any individual advice on how to research a particular topic or frame a particular argument, other than in class, collectively with all students.

Students are reminded of their Rights and Responsibilities in respect of plagiarism, as set out in the University Undergraduate and Postgraduate Handbooks, and in this document, and are encouraged to seek advice from academic staff whenever necessary to ensure they avoid plagiarism in all its forms.

Citations and Bibliography

You should both formally cite all references in footnotes and also include a full bibliography.

Citations should use a consistent system of footnoting. The preferred style in the Law School is the Australian Guide to Legal Citation (<http://mulr.law.unimelb.edu.au/files/aglcdl.pdf>).

Whichever system is used, the citation should be detailed enough to enable the reader to find the exact passage referred to in the citation (ie in most instances a page or paragraph number should be cited).

Marking criteria

You should edit your work carefully and write in a concise style without repetition or sidetracks.

Your mark will be based on the following:

- Understanding of the topic
- Ability to research primary and secondary sources

- Thoughtfulness about the relevant issues expressed in the argument of the essay
- Originality and depth of analysis
- Ability to answer the question in a concise, rigorous manner.

Remember that the marker is only able to give marks on the basis of what is in the written answer. It is important to convey your whole argument and analysis in the words of the assignment. Merely stating conclusions does not demonstrate any analysis.

The assignment will be assessed at 30% of the total marks for Criminal Law 2.

2. Examination

There will be one examination for Criminal Law 2. Please note that the exam period is part of the academic year and you must be available during the entire period.

The aim of the exam is to review the areas of criminal law and process studied during the course. It is possible that some areas will be excluded. You will be notified of the general format of the exam during the session.

The examination for Criminal Law 2 will be assessed at 60% of the marks for the course.

3. Class Attendance and Participation

You are expected to attend classes. There is a UNSW requirement that students attend at least 80% of classes. Failure to attend classes may lead to a refusal to permit students to sit for final exams.

Class participation marks will be based on:

- degree of evident preparation of and facility with the required reading;
- willingness and ability to contribute usefully to class discussion;
- ability to synthesise and summarise previous contributions;
- ability to reflect critically on the course materials and previous class discussion;
- ability to formulate responses in clear and succinct terms;
- ability to raise pertinent and thoughtful questions.

Some teachers may choose to assess class participation by allocating tasks to particular students on certain days.

2.2 Assessment Criteria and Overall Grading

Criteria

The main criteria upon which you will be examined in any of your assessment tasks is evidence of depth of thinking. Depth of thinking is the extent to which you are able to proceed past the descriptive and into critical ways of thinking. This involves your ability to analyse, synthesise, abstract and generalize the central principles and themes of Criminal Law 2. The basic levels of thinking (from shallow to deep) may be summarised as: knowledge, comprehension, application, analysis, synthesis and evaluation.

For more specific assessment criteria, refer to each item of assessment above.

Grading

The following grades are consistent with the criteria as set out above.

High Distinction [85% and over]: demonstrates an extensive understanding of the concepts of the unit of study content and the commensurate high order ability to analyse and evaluate the law, policy goals and the broader legal, theoretic, economic and social context in which criminal law operates.

Distinction [75% to 84%]: demonstrates a thorough understanding of the concepts of the unit of study content and the unambiguous ability to analyse and evaluate the law and policy goals in the context in which criminal law operates.

Credit [65% to 74%]: demonstrates a sound understanding of the concepts of the unit of study content and the unambiguous ability to analyse and evaluate the law and policy goals in the context in which criminal law operates.

Pass [50% to 64%]: demonstrates a basic understanding of the concepts of the unit of study content and has some demonstrated ability to analyse and evaluate the law and policy goals in the context in which criminal law operates.

Fail [less than 50%]: demonstrates insufficient understanding of the concepts of the unit of study content AND/OR fails adequately to demonstrate ability to analyse and evaluate the law and policy goals in the context in which criminal law operates.

Assessment Timetable - Links to Learning Outcomes & GAs

Assessment Type	Date Due	Marks	Link to Learning Outcomes and GAs.
Class Participation	Each class	10	Analytical and oral skills, GAs 1,2,4,5
Research Essay	27 August 2010	30	Analytical, reflective & writing skills and (for essay) research skills GAs 1,2,4,5 for tests, GAs 1,2,3,4,5 for essay
Examination of 2 hrs	Date to be set by examination centre	60	Analytical, reflective & writing skills and (for essay) research skills GAs 1,2,4,5 for tests, GAs 1,2,3,4,5 for essay

Formal Matters

University Policies On Assessments

Information produced by the UNSW Law School regarding assessments can be found through the Law School website, <http://www.law.unsw.edu.au>.

Academic Misconduct And Plagiarism

No essays or assignments can be accepted unless you sign the academic misconduct declaration that is included on the Law School assignment cover sheet.

It will be assumed that you are thoroughly familiar with the policies re academic misconduct and plagiarism of the Law School and UNSW.

Course Schedule

The course schedule of classes with the nominated reading required for class are attached to the end of this document.

Resources for Students

Prescribed Materials

Text This course is based on Brown et al, *Criminal Laws: Materials and Commentary on Criminal Law and Process in New South Wales*, (4th edition, Federation Press, 2006). It is available from the UNSW Bookshop. Supplementary material may be issued from time to time.

Statutes Students will need access to statutory material and are strongly advised to buy the most recent edition of RN Howie and PA Johnson *Annotated Criminal Legislation NSW* (LexisNexis)

An alternative approach is to download and print copies of the relevant legislation from the Parliamentary Counsel's website <<http://www.pco.nsw.gov.au>>.

Blackboard

As a student in this program you will also have access to the Blackboard course page. Blackboard is an online materials and support site designed to complement your learning. Students are provided with personalised usernames (z plus your Student ID number) and passwords (zPass) to log on to the site to access information and resources specifically related to the courses in which they are enrolled.

Typically, a Blackboard site includes course outlines, course handouts, links to law libraries, feedback from lecturers, discussion areas, email facilities,. Students should ensure that they log into their Blackboard courses at least once a week as it is where lecturers will provide information and materials to supplement your studies.

UNSW Blackboard supports the following web browsers for Windows XP or VISTA:

- Internet Explorer (IE) version 7 or 8
- Firefox 3.0.x (must run version 3.0.3 and above)

UNSW Blackboard supports the following web browsers for Mac 10.4 or 10.5,

- Firefox 3.0.x (must run version 3.0.3 and above)
- Safari 2 or 3

Note: Mac OS 10.3 is not supported.

To log on to your Blackboard site, you will need to follow these steps:

1. Go to the TELT gateway (<http://telt.unsw.edu.au/>) and click the link to log into Blackboard.
2. Enter your Student ID and your zPass to login.
3. Choose from the courses that you are enrolled in.

Information and Blackboard support can also be found on the TELT gateway (<http://telt.unsw.edu.au/>). For information on the zPass or how to create your zPass, visit <http://www.it.unsw.edu.au/students/zpass/index.html>

Students should regularly check the Criminal Law 2 blackboard website for handouts, notices, reading schedule and important announcements. The site also contains links to a large number of additional readings and relevant legislation.

Other Relevant Material and Websites

A long, but not comprehensive list of other materials and relevant websites are posted on the Blackboard website. Students are not required to purchase these materials, but should be aware of them and may find some of them useful to consult or acquire. From time to time your teachers may place items in Library Law Reserve. Items other than books placed in Law Reserve will be scanned and may be accessed electronically (on the UNSW Law Library Web Page click on MyCourse - listed under Resources - and type in search terms).

Continual Course Improvement

CATEI Evaluation Policy

In order to develop critical thinking in relation to the course objectives, students are expected to read the texts and other resources closely, and are encouraged to look at a range of other material recommended by lecturers. Students are expected to attend lectures and to prepare for, and participate in discussion, and to complete satisfactorily all components of assessment. Student feedback is very important to continual course improvement. This is demonstrated within the School of Law by the implementation of the UNSW Course and Teaching Evaluation and Improvement (CATEI) Process, 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.

Course Evaluation and Quality Enhancement for this Course

This course runs each year and receives uniformly high CATEI responses. Last year there were two changes to previous offerings which affected the student experience. First, a mistake by university administration set the exam as a 2 rather than 2.5 hr exam, and student feedback suggested this was too short an exam. This year we will revert to a 2.5 hr exam. Secondly, the

Law School experimented with teaching 90 student classes in Criminal Law 2. This was not well received by students, and the School has decided that as the course is early in student's degrees that classes of up to 44 are more appropriate.

Class sizes appeared to have an impact on the CATEI question that asked about opportunities for active student involvement in classes with only 81% of respondents agreeing. For all other questions over 90% agreed with the propositions.

Administrative Matters

For more information about

- Expectations of students
- Procedures for submission of assignments
- Student support services
- Occupation Health and Safety
- School of Law Office
- Learning Outcomes and Graduate Attributes
- Assessment
- Plagiarism
- Administrative matters

See **Course Outline Appendices** available at:

https://www.law.unsw.edu.au/secureweb/docs/2010/law_school_course_outline_appendices.pdf

Criminal Law 2 (LAWS 1011), 2010

Reading Guide

The following sets out the required reading for each class in Criminal Law 2 from the set textbook. Please note that additional materials may be provided for some classes. Students are expected to read any such additional materials. Additional materials are examinable unless otherwise indicated.

Page references in this guide are from Brown et al, Criminal Laws (4rd ed), Federation Press (2006).

Further information about the reading requirements for the course is set out at the end of the guide.

WEEK <i>(week beginning Mon)</i>	CLASS	CHAPTER	TOPIC	PAGE NOS.
1 (19 July)	1		Introduction, (some classes may view a video and/or discuss some of the issues to be covered in class 2).	No pre-reading is required for this class
	2	5: Homicide	5.1-Patterns of Homicide; 5.2-An Atypical or Stereotypical Offence 5.3-The Legal Framework; 5.4-Intent and Reckless Indifference	438 - 463
2 (26 July)	3		5.5-Constructive Murder; 5.6-Manslaughter by Unlawful Act; 5.7-Manslaughter by Criminal Negligence;	463- 491
	4		5.8-Corporate Homicide; 5.9-Homicide by Omission.	491 - 508
3 (2 Aug.)	5		5.10-Actus Reus: Causation; 5.11-Medical Treatment and Euthanasia.	508 - 529
	6	6: Defences	6.1-Thinking about Defences; 6.2-The "Insanity" Defence.	530 - 556
4 (9 Aug.)	7		6.3-Automatism; 6.4-The Defence of Substantial Impairment; 6.5-Infanticide	557 - 583
	8		6.6-Intoxication; 6.7-Provocation.	584 - 603
5 (16 Aug.)	9		6.7.3 -Provocation (contd.).	603 - 626
	10		6.8-Self-defence	627 - 643
6 (23 Aug.)	11		6.9 Necessity; 6.10 Duress; 6.11 Conclusions	643 - 674 (not all covered in class)
	12	7: Assault	7.1-Assault; 7.2-The Elements of Assault; 7.3-Consent to Harm; 7.4-Acceptable Violence	675 - 701
30 Aug			Reading Week, no classes	
6 Sept.			Mid Semester Break	
7 (13 Sept.)	13		7.5-Aggravated Assault; 7.6-Patterns of Victimisation; 7.7-Domestic Violence and Legal Change.	701 - 726
	14		7.8-Sexual Assault; 7.9-Sexual Assault: Actus Reus; 7.10-Sexual Assault: The Mental Element.	726 - 756
8 (20 Sept.)	15		7.11-Indecent Assault and Act of Indecency; 7.12-The Trial and Proving Lack of Consent.	756 - 777
	16	10: Dishonest Acquisition	10 1-Introduction; 10.2.1 10.2.6 -Larceny(physical elements)	973 - 993
9 (27 Sept.)	17		10.2.7 Larceny (mental elements)	993 - 1008
	18		10.3-Expanding the Scope of Property Offences; 10.11 Receiving and Goods in Custody	1008 - 1025; 1067 - 1075
10 (4 Oct.)			Monday Public Holiday - No Tuesday class	
	19		10.6 Offences Involving Deception; 10.7 Crime in Business	1025 - 1053
11 (11 Oct.)	20	11: Extending Criminal Liability	11.1-Introduction; 11.2-Attempt; 11.3.1 - 11.3.2 The time/group dimension: conspiracy.	1076 - 1105

	21		11.4.1 – 11.4.3–The group dimension: complicity.	1120 – 1142
12 (18 Oct.)	22		11.4..4 Accessorial liability; 11.4.5 Incitement	1143 – 1167
	23		Revision Class	

Further Information

1. In addition to the set chapters, you are also expected to read whatever NSW statutes, newspaper and magazine articles or additional research sources are relevant to the material in each class or the assessment. Details about further sources are set out in the introductory handout.
2. Individual teachers may choose to deviate from this reading guide, in whole or in part. Additional readings may be handed out or alternatives substituted. You will be told of these in class. Any variations also form part of the reading requirements of the course.