

Course Outline (Higher Education)

School:	School of Arts
Course Title:	AUSTRALIAN CRIMINAL COURTS IN INTERNATIONAL CONTEXT
Course ID:	CRJUS2100
Credit Points:	15.00
Prerequisite(s):	(CRJUS1285 and CRJUS1287) OR (CRJUS1283 and CRJUS1284) OR (ATSGC1283 and ATSGC1284)
Co-requisite(s):	Nil
Exclusion(s):	Nil
ASCED:	099903

Description of the Course :

The course is designed for students who are interested in learning about legal ideas and institutions, and comparative approaches to justice. It explores the ever-changing relationship between law and society, focusing on the Australian courts primarily criminal, but also civil in an international context. It will consider law making, regulation and interpretation of statutes and regulations; examine the role of the criminal courts in the justice system; contrast the consensus theory and the conflict theory of the functions of the criminal courts; analyse the adversarial and the inquisitorial systems of criminal courts in an international context; and explore the major issues and controversies facing the courts in Australia. Indigenous perspectives concerning interaction of indigenous communities will be imbedded into this course. The course will challenge students to consider whether courts in Australia are fair, whether justice in the courts is the same for all, and whether the courts serve a utilitarian purpose for society.

Grade Scheme: Graded (HD, D, C, etc.)

Work Experience:

No work experience: Student is not undertaking work experience in industry.

Placement Component: No

Supplementary Assessment: Yes

Where supplementary assessment is available a student must have failed overall in the course but gained a final mark of 45 per cent or above and submitted all major assessment tasks.

Program Level:

Level of course in Program	AQF Level of Program					
	5	6	7	8	9	10
Introductory	■	■	■	■	■	■
Intermediate	■	■	✓	■	■	■
Advanced	■	■	■	■	■	■

Learning Outcomes:

Knowledge:

- K1.** Critically examine the role and responsibilities of the courts and the key actors in the legal system in Australia
- K2.** Identify and analyse a range of contemporary issues, controversies and opportunities for reform, considering key debates, issues and scholarly perspectives
- K3.** Identify and critique the advantages and disadvantages of adversarial and inquisitorial court systems in an international context, and the impacts of each on victims, offenders and society.

Skills:

- S1.** Develop further the ability to critically assess various debates centred on the role, functions and outcomes of criminal hearings and trials
- S2.** Summarise relevant key themes, issues and debates concerning contemporary court processes
- S3.** Express substantiated and reasoned expositions and arguments concerning the merits of court processes.

Application of knowledge and skills:

- A1.** Apply skills in critical thinking to key debates concerning the courts in Australia and compare and contrast with international experiences
- A2.** Utilise and integrate relevant conceptual frameworks in analysing criminal court processes using higher order critical thinking skills
- A3.** Identify links and tensions between issues, debates, concepts and perspectives.

Course Content:

Topics may include:

- What is justice? Are the courts fair?
- The courts and popular culture: stereotypes disabused!
- The history and hierarchy of courts in Australia
- Criminal versus civil courts
- Law making: legislation and precedence
- Crime control function of the courts
- Criminal Laws: summary, indictable and hybrid offences
- Legal actors: the role and functions of the people who work within the courts
- The Criminal Trial and the right to due process
- International contexts: adversarial and inquisitorial systems
- Indigenous courts: Indigenous perspectives
- Victims within the courts
- Alternative mechanisms: tribunals, administrative appeals, Fairwork Australia, commissions
- Juvenile offenders and diversionary schemes
- The courts and controversy: major issues, significant controversies
- Prospects of and opportunities for court reform.

Values:

- V1.** Appreciate the roles and responsibilities of the courts and parliament and the impacts on victims, offenders and society
- V2.** Develop an informed, multi-faceted and nuanced appreciation of the deep complexities in assessing court apparatus and responses to crime, addressing contemporary issues and emerging evidence-based alternatives to existing policies and practices
- V3.** Recognise the complexities in assessing, mitigating and/or addressing contemporary correctional outcomes

Graduate Attributes

The Federation University FedUni graduate attributes (GA) are entrenched in the Higher Education Graduate Attributes Policy (LT1228). FedUni graduates develop these graduate attributes through their engagement in explicit learning and teaching and assessment tasks that are embedded in all FedUni programs. Graduate attribute attainment typically follows an incremental development process mapped through program progression. **One or more graduate attributes must be evident in the specified learning outcomes and assessment for each FedUni course, and all attributes must be directly assessed in each program**

Graduate attribute and descriptor		Development and acquisition of GAs in the course			
		Learning Outcomes (KSA)	Code A. Direct B. Indirect N/A Not addressed	Assessment task (AT#)	Code A. Certain B. Likely C. Possible N/A Not likely
GA 1 Thinkers	Our graduates are curious, reflective and critical. Able to analyse the world in a way that generates valued insights, they are change makers seeking and creating new solutions.	K1;K2;K3;S1;S3;A1;A2;A3;	A	AT1, AT2,AT3	A
GA 2 Innovators	Our graduates have ideas and are able to realise their dreams. They think and act creatively to achieve and inspire positive change.	K2;K3;S3;A2;A3	B	AT1,AT2,AT3	A
GA 3 Citizens	Our graduates engage in socially and culturally appropriate ways to advance individual, community and global well-being. They are socially and environmentally aware, acting ethically, equitably and compassionately.	K1;K2;K3;S1;S3;A1;A2;A3	B	AT1,AT2;AT3	B
GA 4 Communicators	Our graduates create, exchange, impart and convey information, ideas, and concepts effectively. They are respectful, inclusive and empathetic towards their audience, and express thoughts, feelings and information in ways that help others to understand.	K2;K3;S2;S3;A3	A	AT1, AT2,AT3,	A

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		Learning Outcomes (KSA)	Code A. Direct B. Indirect N/A Not addressed	Assessment task (AT#)	Code A. Certain B. Likely C. Possible N/A Not likely
GA 5 Leaders	Our graduates display and promote positive behaviours, and aspire to make a difference. They act with integrity, are receptive to alternatives and foster sustainable and resilient practices.	K2;K3;S3;A2;A3;	B	AT1, AT2,AT3	B

Learning Task and Assessment:

Learning Outcomes Assessed	Learning Tasks	Assessment Type	Weighting
K3; S1; S2	Response to various questions about Australian and/or International criminal courts	Online activities	15-25%
K1; K3, S2; S3; A1; A2; A3	Analysis of Australian Court processes	Analytical Report	30-40%
K2; S3; S2; A1; A2; A3	Response to a hypothetical situation centred on the criminal courts in Australia	Written response	40-50%

Adopted Reference Style:

APA