Overview

This course introduces students to the history and operation of the contemporary Australian legal system, to the relationships between law and justice, and to the core legal skills necessary for successful study and practice. Common law reasoning and the elements of legal problem solving are introduced via a case study based on intentional torts, and the interpretation and application of statutes are developed throughout the course. The course emphasises the historical origins and dynamic nature of the Australian legal system as a settler colonial system, developing in the context of a changing Australian society. Through a consideration of the relationships between the principal institutions of government under Australian Constitutions – parliaments, the executive and the courts – it introduces students to key values and constructs underpinning the Australian legal system, including the significance, and limits, of conceptions of the ‘rule of law’. The course explores the nature of the common law and common law reasoning, with a particular emphasis on the circumstances of the adoption of the common law in the Australian states, the common law’s role in facilitating dispossession, and the ongoing impact of colonisation for Indigenous people in Australia. It also explores the processes by which cases are decided by judges, introducing some theoretical frameworks that have been used to analyse law and legal decision making. The roles of judges, practising lawyers and other personnel in the court system are also considered, with an emphasis on the need for the development of professional identities and resilience, as well as the role of lawyers in promoting just outcomes. Legal research methods and legal citation are taught via the Legal Research and Writing (Stage 1) tutorials attached to JURD7152.

Main Topics covered:

- The Australian Legal System in Action
- From Case Law to Common Law: Legal Reasoning, the Doctrine of Precedent and Legal Problem Solving
• Introduction to Statutory Interpretation
• The relationship between Law and Equity
• Common Law Theory and Judicial Independence
• Rule of Law, Colonial History, and the Separation of Powers
• The Reception of English Law
• The Impact of Dispossession on Indigenous People
• Social Change and Judicial Decision Making
• Reimagining Law and Justice
• Resilience and Developing a Professional Identity
• Introduction to Primary and Secondary Legal Research methods
• Introduction to research for legal problem solving and policy scenarios
• Legal Citation
Faculty
Faculty of Law

Study Level
Postgraduate

Offering Terms
Term 1, Term 3

Campus
Kensington

Indicative contact hours
4

Timetable
Visit timetable website for details
Conditions for Enrolment

Prerequisite: Academic Program must be 9150.
Course Outline

To access course outline, please visit:

JURD7152 Course Outline
Fees

Commonwealth Supported Students  $1395
Domestic Students  $5250
International Students  $5790

DISCLAIMER

Please note that the University reserves the right to vary student fees in line with relevant legislation. This fee information is provided as a guide and more specific information about fees, including fee policy, can be found on the fee website.

For advice about fees for courses with a fee displayed as "Not Applicable", including some Work Experience and UNSW Canberra at ADFA courses, please contact the relevant Faculty.

Where a Commonwealth Supported Students fee is displayed, it does not guarantee such places are available.
Pre-2019 Handbook Editions

Access past handbook editions (2018 and prior)

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