

# LAW5 1009 LEGAL ANALYSIS AND CRITIQUE

**Credit Points** 10

**Legacy Code** 200978

**Coordinator** Liesel Spencer ([https://directory.westernsydney.edu.au/search/name/Liesel Spencer/](https://directory.westernsydney.edu.au/search/name/Liesel%20Spencer/))

**Description** The subject exposes students to the contexts that affect how law is made, some of the institutional limitations on law and justice and the impact of globalisation on law. It introduces theories about the nature and function of law in historical, political, social, economic, cultural, ethical and international contexts. The connection between race, gender, culture and law is examined within the context of the Australian legal tradition, legal history, and the impact of the Australian legal system on Australian First Peoples. The subject introduces students to the processes of critical evaluation of arguments, legal communication and logical and critical problem solving involving statutory interpretation and precedent.

**School** Law

**Discipline** Law, Not Elsewhere Classified.

**Student Contribution Band** HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Undergraduate Level 1 subject

**Co-requisite(s)** LAWS 1003 OR LAWS 1006

**Equivalent Subjects** LAWS 1008 - Law Foundation

## Learning Outcomes

On successful completion of this subject, students should be able to:

1. Describe how law in Australia developed, including English legal history, reception of English law, independence and the impact of these developments on Australian First Peoples;
2. Use basic skills in critical evaluation of arguments, including empirical claims on causation and fact, in a manner that deepens understanding of ethics and its application in law, learning and in the profession;
3. Describe and apply theories about the nature and function of law in local and global contemporary contexts and from different perspectives, including society, politics, economics, culture, gender and race
4. Use basic logical and critical skills to develop solutions to problems involving statutory interpretation and the application of precedent, and analyse the consequences from different perspectives;
5. Apply legal research skills in relation to primary and secondary sources in order to support legal analysis and critique;
6. Articulate legal thought effectively and persuasively for lay and expert audiences.

## Subject Content

1. The Australian legal tradition
2. English legal history
3. Doctrine of reception and repugnancy

4. Australian constitutional independence
5. The impact of the Australian legal system on Australian First Peoples
6. Critical evaluation of arguments
7. The nature and function of law
8. Legal formalism and the rule of law
9. Gender, race, culture and the law
10. Law and globalisation
11. Law in an economic context
12. Legal communication
13. Case analysis and statutory interpretation

## Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/Group Task
Essay	1,000 words	35	N	Individual
Reflection	750 words (in 20 total)		N	Individual
Essay	2,000 words	45	N	Individual

Prescribed Texts

- eReader resources: Compiled materials for Legal Analysis and Critique, which will be available via vUWS (Western Sydney University, Spring 2019)
- Michelle Sanson and Thalia Anthony, Connecting with Law (Oxford University Press, 4th ed, 2019).
- Trischa Mann (ed), Australian Law Dictionary (Oxford University Press, 3rd, 2017).
- The Australian Guide to Legal Citation (Melbourne University Law Review Association Inc, 4th ed, 2018).

Teaching Periods

## Spring (2022)

### Campbelltown

#### Evening

**Subject Contact** Liesel Spencer ([https://directory.westernsydney.edu.au/search/name/Liesel Spencer/](https://directory.westernsydney.edu.au/search/name/Liesel%20Spencer/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAW51009\\_22-SPR\\_CA\\_E#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAW51009_22-SPR_CA_E#subjects))

#### Day

**Subject Contact** Liesel Spencer ([https://directory.westernsydney.edu.au/search/name/Liesel Spencer/](https://directory.westernsydney.edu.au/search/name/Liesel%20Spencer/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAW51009\\_22-SPR\\_CA\\_D#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAW51009_22-SPR_CA_D#subjects))

### Parramatta - Victoria Rd

#### Evening

**Subject Contact** Liesel Spencer ([https://directory.westernsydney.edu.au/search/name/Liesel Spencer/](https://directory.westernsydney.edu.au/search/name/Liesel%20Spencer/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAW51009\\_22-SPR\\_PS\\_E#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAW51009_22-SPR_PS_E#subjects))

## Day

**Subject Contact** Liesel Spencer ([https://directory.westernsydney.edu.au/search/name/Liesel Spencer/](https://directory.westernsydney.edu.au/search/name/Liesel%20Spencer/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS1009\\_22-SPR\\_PS\\_D#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS1009_22-SPR_PS_D#subjects))

## Spring (2023)

### Campbelltown

#### On-site

**Subject Contact** Liesel Spencer ([https://directory.westernsydney.edu.au/search/name/Liesel Spencer/](https://directory.westernsydney.edu.au/search/name/Liesel%20Spencer/))

View timetable ([https://classregistration.westernsydney.edu.au/odd/timetable/?subject\\_code=LAWS1009\\_23-SPR\\_CA\\_1#subjects](https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS1009_23-SPR_CA_1#subjects))

#### Online

#### Online

**Subject Contact** Liesel Spencer ([https://directory.westernsydney.edu.au/search/name/Liesel Spencer/](https://directory.westernsydney.edu.au/search/name/Liesel%20Spencer/))

View timetable ([https://classregistration.westernsydney.edu.au/odd/timetable/?subject\\_code=LAWS1009\\_23-SPR\\_ON\\_2#subjects](https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS1009_23-SPR_ON_2#subjects))

### Parramatta - Victoria Rd

#### On-site

**Subject Contact** Liesel Spencer ([https://directory.westernsydney.edu.au/search/name/Liesel Spencer/](https://directory.westernsydney.edu.au/search/name/Liesel%20Spencer/))

View timetable ([https://classregistration.westernsydney.edu.au/odd/timetable/?subject\\_code=LAWS1009\\_23-SPR\\_PS\\_1#subjects](https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS1009_23-SPR_PS_1#subjects))