

# LAW5 7061 LEGAL ANALYSIS AND CRITIQUE

**Credit Points** 10

**Legacy Code** 201050

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

**Description** This subject introduces students to the processes of critical evaluation of arguments, legal communication and logical and critical problem solving. Students will have the opportunity to explore 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 Aboriginal and Torres Strait Islander Peoples. Students will use logical and critical skills to develop solutions to problems involving statutory interpretation and the application of precedent; and articulate legal thought effectively and persuasively for diverse audiences.

**School** Law

**Discipline** Law, Not Elsewhere Classified.

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

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

**Level** Postgraduate Coursework Level 7 subject

**Co-requisite(s)** LAWS 7056 Fundamentals of Australian Law

**Incompatible Subjects** LAWS 1009 Legal Analysis and Critique

**Restrictions**

Students must be enrolled in a postgraduate program.

## Learning Outcomes

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

1. Analyse how law in Australia developed and the impact of these developments on Aboriginal and Torres Strait Islander Peoples.
2. Analyse theories about the nature and function of law in local and global contemporary contexts and from different perspectives.
3. Demonstrate logical and critical skills to analyse legal texts.
4. Demonstrate legal research skills in relation to primary and secondary sources to engage in critical analysis of legal texts, focusing on case analysis.
5. Articulate legal arguments effectively and persuasively for diverse 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 in an economic context
11. Legal communication
12. Case analysis, statutory interpretation and legal research.

## 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 | Mandatory |
|-------------------|-------------|---------|-----------|------------------------|-----------|
| Essay             | 1,500 words | 30      | N         | Individual             | Y         |
| Professional Task | 20 minutes  | 25      | N         | Individual             | Y         |
| Essay             | 3,000 words | 45      | N         | Individual             | Y         |

Prescribed Texts

- Robin Creyke et al, Laying Down the Law (LexisNexis Butterworths, 11th ed, 2020).
- Trischa Mann (ed), Australian Law Dictionary (Oxford University Press, 3rd ed, 2017).
- The Australian Guide to Legal Citation (Melbourne University Law Review Association Inc, 4th ed, 2018).

Teaching Periods

## Spring (2024)

### Campbelltown

**On-site**

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View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAW57061\\_24-SPR\\_CA\\_1#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAW57061_24-SPR_CA_1#subjects))

**Online**

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### Parramatta - Victoria Rd

**On-site**

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### Parramatta City - Macquarie St

#### On-site

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

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### Parramatta - Victoria Rd

#### On-site

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