Welcome to LAW112
Residential School
Kristi McCusker
Acknowledgment of Country

I would like to acknowledge the traditional custodians of this land the Wiradjuri people and recognize their continuing connection to the land on which we meet. I would also like to pay my respects to Elders past, present and future and extend this respect to any Aboriginal people present.
Learning outcomes for Residential School

**Legal Research:** be able to plan and apply effective strategies in legal research of case law and legislation based scenarios

**Case Analysis:** be able to identify and explain the facts pertaining to cases and ratio decidendi within the Australian judicial system

**Statutory Interpretation:** be able to interpret statutes and common law and identify legal problems in scenarios and cases

**Apply legal Skills:** be able to present persuasive and informed arguments based on leading precedents

**Indigenous Australians and Law:** understand the place of Indigenous law and customs in the Australian legal system and begin to explore the relationship between Indigenous Australians and the law

**Assessment Workshops:** be prepared for assessment success in the remaining assessments!
‘The most important single aspect of legal practice’ – Chief Justice Spiegelman, NSW Supreme Court

‘There is, of course, no simple formula’ – Mahoney JA in Anti-Doping Rule Violation Panel v XZTT (2013) 214 FCR 40, 64
Separation of powers

The Constitution

Legislative Power
- House of Representatives
- Senate

Executive Power
- Governor General
- Government Departments

Judicial Power
- High Court
- Other Federal Courts
Understanding Acts

Understand the Act

- Legislative literacy
- Statutory Interpretation
- Precedent
  - Cases
  - other Acts
How to Make an Act

- Proposal
- Drafting – Parliamentary Counsel
- Bill on Notice Paper
- First Reading
- Second Reading
- Third Reading
- Royal Assent
- Proclamation
What do you expect to find in an Act?

- Number
- Date
- Long Title
- Short Title
- Preamble
- Sections/subsections/paragraph/subparagraphs/clauses/subclauses
- Chapters/Parts/Divisions/Subdivisions
- Table of contents and Index
- Purpose or Objects Clause Definitions
- Schedules
Drafting a Bill - Class Rules

**Aim:** Draft legislation outlining the class rules for the LAW112 residential school.

**Structure**
- Name, long title, short title, preamble
- Possible sections?
  - overarching expectations (e.g. to ensure everyone is heard, challenge each other in respectful ways, listen actively etc)
- specific rules (arrive on time, only leave if ok with the presenter etc)
- Use of technology? Mobile off/Laptops for legitimate reasons

**PENALTIES?** gold coin, hand in mobile phone, coffee, facebooking etc.
Let’s pass it?!
Drafting Tips

• Plain Language:
  • simple, precise, direct and familiar.
  • No unnecessary words
  • Sentences should not be long winded or with qualifications or exceptions

• Active voice (not passive)

• Help readers- purpose, sections, notes examples, summaries, overviews
In conclusion?

Difficulties in drafting legislation

What statutory interpretation rules come into play in deciphering your answers?

The reliance on central interpretive criteria