



# **LAWS12071 Australian Employment Law**

## **Term 1 - 2018**

Profile information current as at 28/04/2024 04:04 am

All details in this unit profile for LAWS12071 have been officially approved by CQUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

## General Information

### Overview

The issues surrounding the regulation of employment in Australia represents one of the last significant areas of policy difference between the major political parties in Australia. Consequently, both parties have instituted major legislative reform in this area in the last 10 years resulting in the coalition's "Work Choices" in the introduction by the Australian Labor Party of the Fair Work Act in 1990. The purpose of this unit is to allow students an overview of the common law and legislation which regulates the employment relationship within Australia. You will consider different approaches to the issues around the regulation of employment from the protective view through to economic rationalism and the libertarian approach. The unit allows you to consider issues around the constitutional framework for employment law, the creation of the employment contract, employment conditions including enterprise agreements and occupational health and safety as well as termination of employment and issues around collective-bargaining.

### Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

### Pre-requisites or Co-requisites

There are no requisites for this unit.

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

### Offerings For Term 1 - 2018

- Distance

### Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Written Assessment**

Weighting: 25%

#### 2. **Presentation and Written Assessment**

Weighting: 25%

#### 3. **Examination**

Weighting: 50%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Student email.

##### Feedback

Thank you. Yes, I enjoy the course. You teach, from the heart, you genuinely and generously, encourage and support your students to learn.

##### Recommendation

Continue to encourage students in their work.

## Unit Learning Outcomes

### On successful completion of this unit, you will be able to:

1. Apply Australian employment law, as encapsulated in legislation and common law, to practical issues.
2. Research, analyse and evaluate primary and secondary sources of employment law in Australia.
3. Interpret legal principles in the analysis of employment law disputes to identify obligations, rights and remedies and to provide solutions to these problems.
4. Use skills in team work, communication, critical thinking and reasoning.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Written Assessment - 25%	•	•	•	•
2 - Presentation and Written Assessment - 25%	•	•	•	•
3 - Examination - 50%	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•		•	•
2 - Problem Solving			•	
3 - Critical Thinking	•	•	•	•

Graduate Attributes	Learning Outcomes			
	1	2	3	4
4 - Information Literacy	•	•	•	
5 - Team Work				•
6 - Information Technology Competence	•	•	•	
7 - Cross Cultural Competence				
8 - Ethical practice				
9 - Social Innovation				
10 - Aboriginal and Torres Strait Islander Cultures				

## Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 25%	•	•	•	•		•				
2 - Presentation and Written Assessment - 25%	•	•	•	•	•	•				
3 - Examination - 50%	•	•	•	•						

## Textbooks and Resources

### Textbooks

LAWS12071

#### Prescribed

#### Stewarts Guide to Employment Law

Edition: Fifth (2015)

Authors: Andrew Stewart

Federation Press

Sydney , NSW , Australia

ISBN: 9781862879935

Binding: Paperback

#### Additional Textbook Information

6th edition may be released some time in term 1 2017. However, the 5th edition is acceptable to use until its release.

### IT Resources

#### You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Web camera and microphone to join on line sessions

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)  
For further information, see the Assessment Tasks.

## Teaching Contacts

**Wayne Jones** Unit Coordinator  
[w.jones@cqu.edu.au](mailto:w.jones@cqu.edu.au)

## Schedule

### Week 1 - 05 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
PART 1 : Entering into the employment relationship.	Reading this week is from Chapters 1, 2 & 3 in <i>Stewarts Guide to Employment Law</i> .	The first of three online two hour sessions scheduled for afternoon of Tuesday 6th March this week. Online link appears on the Moodle site. Session will be recorded for later viewing. Complete weekly exercises. Self guided reading and research.

### Week 2 - 12 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
PART 1 : Entering into the employment relationship - continues.	Reading this week is from Chapters 4, 5 & 6 <i>Stewarts Guide to Employment Law</i> .	Self guided reading and research. Complete weekly exercises. <b>Exercise one</b> Due: Week 3 Monday (19 Mar 2018) 9:00 am AEST <b>Exercise Two</b> Due: Week 5 Monday (2 Apr 2018) 9:00 am AEST

### Week 3 - 19 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
PART 2: Regulating and managing the employment relationship.	Reading this week is from Chapters 7, 8 & 10 of <i>Stewart's Guide to Employment Law</i>	The second of three online two hour sessions is scheduled for Saturday 24th March this week. Online link appears on the Moodle site. Session will be recorded for later viewing. Complete exercises for this week. Continue self guided reading and research. <b>Exercise one</b> Due: Week 3 Monday (19 Mar 2018) 9:00 am AEST

### Week 4 - 26 Mar 2018

Module/Topic	Chapter	Events and Submissions/Topic
PART 2: Regulating and managing the employment relationship - continues	Reading this week is from Chapters 11, 12, 13 in <i>Stewart's Guide to Employment Law</i>	Complete this weeks exercises. Self guided reading and research.

### Week 5 - 02 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
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PART 3: Ending the employment relationship.

Reading this week is from Chapters 9 & 14 in *Stewart's Guide to Employment Law*

The final of three online two hour sessions is scheduled for the afternoon of Saturday 7th April this week. Online link appears on the Moodle site. Session will be recorded for later viewing. This weeks exercises are for revision only - not submitted for assessment.

**Exercise Two** Due: Week 5 Monday (2 Apr 2018) 9:00 am AEST

#### Vacation Week - 09 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
Vacation week	Vacation week	Vacation week

#### Week 6 - 16 Apr 2018

Module/Topic	Chapter	Events and Submissions/Topic
PART 3: Ending the employment relationship - continues	Reading this week is from chapters 16 & 17 <i>Stewart's Guide to Employment Law</i>	Self guided reading and research. Exercises are for revision only - not submitted for assessment.

#### Exam Week - 11 Jun 2018

Module/Topic	Chapter	Events and Submissions/Topic
Final assessment	All material is relevant. Guidance for revision for the examination is provided on the Moodle site and online in the lead up to the exam weeks.	Supervised two hour examination. Date set by examinations appears on MyCQU.

## Assessment Tasks

### 1 Exercise one

#### Assessment Type

Written Assessment

#### Task Description

Complete and submit the exercises from weeks 1 & 2 regarding entering into an employment relationship. Write concisely and to the point, do not repeat the questions, use headings and sub headings to keep the reader engaged (and you on track) and present your answers professionally. Make sure any hyperlinks work. Upload your responses on Moodle in word format. Dot points are acceptable, this is not an essay. The expected word limit 2000 words.

#### Assessment Due Date

Week 3 Monday (19 Mar 2018) 9:00 am AEST

#### Return Date to Students

Week 5 Friday (6 Apr 2018)

#### Weighting

25%

#### Assessment Criteria

- All of the tasks for the two weeks reading are completed satisfactorily.
- Identified relevant resources where applicable and provided accessible links.
- Identified and discussed relevant legal issues.
- Relevant cases and legislation identified and discussed.
- Demonstrated understanding of the issues and law regarding entering into an employment contract.

#### Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

**Submission**

Online

**Submission Instructions**

The exercises should be done weekly. The assessment is due on a Monday morning by 09:00AM. If you are late with your assessment you will lose 5% per day (or part) for late submission.

**Learning Outcomes Assessed**

- Apply Australian employment law, as encapsulated in legislation and common law, to practical issues.
- Research, analyse and evaluate primary and secondary sources of employment law in Australia.
- Interpret legal principles in the analysis of employment law disputes to identify obligations, rights and remedies and to provide solutions to these problems.
- Use skills in team work, communication, critical legal thinking and reasoning.

**Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Information Technology Competence

## 2 Exercise Two

**Assessment Type**

Presentation and Written Assessment

**Task Description**

Complete and submit the second two weeks exercises regarding regulating and managing an employment relationship. One of the tasks is a five minute recorded presentation.

Write concisely and to the point, do not repeat the questions, use headings and sub headings to keep the reader engaged (and you on track) and present your answers professionally. Make sure any hyperlinks work.

Upload your responses on Moodle in word format. Dot points are acceptable, this is not an essay. The expected word limit 2000 words.

**Assessment Due Date**

Week 5 Monday (2 Apr 2018) 9:00 am AEST

**Return Date to Students**

Week 7 Friday (27 Apr 2018)

**Weighting**

25%

**Assessment Criteria**

- All of the tasks for the two weeks completed satisfactorily.
- Identified online resources where applicable and provided working links.
- Identified and discussed relevant legal issues.
- Relevant cases and legislation identified and discussed.
- Demonstrated understanding of the issues and law regarding regulating and managing an employment contract in a professional presentation.

**Referencing Style**

- [Australian Guide to Legal Citation, 3rd ed](#)

**Submission**

Online

**Submission Instructions**

Documents must be in word format to be marked. Video of your presentation to be uploaded to You Tube with a direct link from your document.

**Learning Outcomes Assessed**

- Apply Australian employment law, as encapsulated in legislation and common law, to practical issues.
- Research, analyse and evaluate primary and secondary sources of employment law in Australia.
- Interpret legal principles in the analysis of employment law disputes to identify obligations, rights and remedies and to provide solutions to these problems.

- Use skills in team work, communication, critical legal thinking and reasoning.

**Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy
- Team Work
- Information Technology Competence

## Examination

**Outline**

Complete an invigilated examination.

**Date**

During the examination period at a CQUniversity examination centre.

**Weighting**

50%

**Length**

120 minutes

**Exam Conditions**

Open Book.

**Materials**

Dictionary - non-electronic, concise, direct translation only (dictionary must not contain any notes or comments).



## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

### What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

### Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

### Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

### What can you do to act with integrity?



#### Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



#### Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



#### Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem