



# **LAWS12071 Australian Employment Law**

## **Term 1 - 2020**

Profile information current as at 07/05/2024 05:16 pm

All details in this unit profile for LAWS12071 have been officially approved by CQU University 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

Regulation of employment laws represents one of the 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" and 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. Students consider different approaches to regulation from the protective view through to economic rationalism and the libertarian approach. The unit discusses issues around entering into the employment relationship, managing and regulating the relationship and finally, ending the employment relationship.

### 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 - 2020

- Online

### 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: 40%

#### 2. **Written Assessment**

Weighting: 60%

### 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 Have your say survey

**Feedback**

The majority of students liked the take home exam arrangement and the intensive mode arrangement.

**Recommendation**

Retain

#### Feedback from Have your say survey

**Feedback**

Some students did not like the timing of the live zoom session (during the day) as they could not attend. \*\*The time was the same as previous years.

**Recommendation**

Do some of the live Zoom sessions at night subject to timetable clashes with other 2nd year subjects. Alternatively have the sessions on a weekend.

#### Feedback from Have your say Survey

**Feedback**

PPT was used instead of Zoom for the lecture recordings. Some students did not like it. They preferred Zoom.

**Recommendation**

Will revert back to Zoom for 2020.

## 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 provide solutions to these disputes.
4. Use skills in team work, communication, critical legal thinking and reasoning.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes

 N/A Level	 Introductory Level	 Intermediate Level	 Graduate Level	 Professional Level	 Advanced Level
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### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Written Assessment - 40%	•	•	•	•
2 - Written Assessment - 60%	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes			
	1	2	3	4
1 - Communication	•		•	•
2 - Problem Solving			•	
3 - Critical Thinking	•	•	•	•
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 - 40%	•	•	•	•		•				
2 - Written Assessment - 60%	•	•	•	•	•	•				

## Textbooks and Resources

### Textbooks

LAWS12071

#### Prescribed

##### **Stewart's Guide to Employment Law**

6th edition (2018)

Authors: Andrew Stewart

Federation Press

sydney , NSW , Australia

ISBN: 9781760021542

Binding: Paperback

#### **Additional Textbook Information**

The same text book was used in 2019 so there may be second hand books available at a reduced price.

However, new copies are still available for purchase at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

[View textbooks at the CQUniversity Bookshop](#)

### 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, 4th ed](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Victoria Lambropoulos** Unit Coordinator

[v.lambropoulos@cqu.edu.au](mailto:v.lambropoulos@cqu.edu.au)

## Schedule

### **Week 1 - 09 Mar 2020**

Module/Topic	Chapter	Events and Submissions/Topic
PART 1 : Entering into the employment relationship	Reading: Chapters 1, 2 & 3 in <i>Stewart's Guide to Employment Law</i> (Federation Press, 6th ed, 2018) referred to below as <i>Stewart's Guide</i> .	Self guided reading and research. Complete weekly exercises.

### **Week 2 - 16 Mar 2020**

Module/Topic	Chapter	Events and Submissions/Topic
PART 1 : Entering into the employment relationship continues	Reading: Chapters 4, 5 & 6 in <i>Stewart's Guide</i>	The first of four online two hour sessions scheduled at a time TBA in consultation with students. Online link appears on the Moodle site. Session will be recorded for later viewing. Complete weekly exercises. Self guided reading and research.

**Week 3 - 23 Mar 2020**

Module/Topic	Chapter	Events and Submissions/Topic
PART 2: Regulating and managing the employment relationship.	Reading: Chapters 7, 8 & 10 of <i>Stewart's Guide</i>	Complete weekly exercises. Continue self guided reading and research.

**Week 4 - 30 Mar 2020**

Module/Topic	Chapter	Events and Submissions/Topic
PART 2: Regulating and managing the employment relationship - continues	Reading: Chapters 11, 12, 13 in <i>Stewart's Guide</i>	The second of four online two hour sessions is scheduled at a time TBA in consultation with students. Online link appears on the Moodle site. Session will be recorded for later viewing. Complete weekly exercises. Self guided reading and research.

**Week 5 - 06 Apr 2020**

Module/Topic	Chapter	Events and Submissions/Topic
PART 3: Ending the employment relationship.	Reading: Chapters 9 & 14 in <i>Stewart's Guide</i>	Complete weekly exercises. Self guided reading and research. <b>Assessment 1 Due Friday 10th April 2020 - 40%</b>  <b>Workbooks - Parts 1 and 2 Due:</b> Week 5 Friday (10 Apr 2020) 11:55 pm AEST

**Vacation Week - 13 Apr 2020**

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

**Week 6 - 20 Apr 2020**

Module/Topic	Chapter	Events and Submissions/Topic
PART 3: Ending the employment relationship - continues	Reading: Chapters 16 & 17 <i>Stewart's Guide</i>	The third of four online two hour sessions is scheduled at a time TBA in consultation with students. Online link appears on the Moodle site. Session will be recorded for later viewing. Complete weekly exercises. Self guided reading and research.

**Week 7 - 27 Apr 2020**

Module/Topic	Chapter	Events and Submissions/Topic
Part 4: Review and consolidate learning for the take home exam	Review and consolidate required reading from Parts 1,2 and 3 of course content. Reading: <i>Stewart's Guide</i>	Self guided reading and research.

**Week 8 - 04 May 2020**

Module/Topic	Chapter	Events and Submissions/Topic
Part 4: Review and consolidate learning for the take home exam	Review and consolidate required reading from Parts 1,2 and 3 of course content. Reading: <i>Stewart's Guide</i>	The final of the four online two hour sessions is scheduled at a time TBA in consultation with students. Online link appears on the Moodle site. Session will be recorded for later viewing. Review and revision. Self guided reading and research.

**Week 9 - 11 May 2020**

Module/Topic	Chapter	Events and Submissions/Topic
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Take Home Exam Preparation

Self - Guided preparation.

Take Home Exam - Due Friday 17th  
May 2020 - 60%

**Take Home Written Exam** Due:  
Week 9 Friday (15 May 2020) 11:55  
pm AEST

## Assessment Tasks

### 1 Workbooks - Parts 1 and 2

#### Assessment Type

Written Assessment

#### Task Description

This assessment is a workbook. Students will be given a series of questions to prepare answers for *Part 1: Entering into the Employment Relationship* and *Part 2: Regulating and Managing the Employment Relationship*. Students are encouraged/expected to work through these questions progressively as we go through the course in Weeks 1 - 4. We will discuss the content in the online live Zoom sessions.

#### Assessment Due Date

Week 5 Friday (10 Apr 2020) 11:55 pm AEST

Students are expected to have worked through the exercises progressively so the bulk of the work would have been completed by the end of week 4.

#### Return Date to Students

Week 6 Friday (24 Apr 2020)

Will be returned online

#### Weighting

40%

#### Assessment Criteria

Students' work who **FAIL** this assessment will have generally displayed the following:

1. All the tasks/questions have not been completed and/or there is no attempt to answer all of the questions/tasks.
2. Did not adequately identify and discuss a relevant number of legal issues.
3. Did not adequately identify and discuss a relevant number of cases and legislation.
4. The paper is not an acceptable standard in relation to its presentation and expression because:
  - (a) is not clear and succinct and the language is not appropriate for a law assessment due to its informality;
  - (b) the structure is poor, the paper demonstrates a little awareness of structure and purpose;
  - (c) the paper has largely referenced material which is not primary and/or academically rigorous for example, online summaries and blogs.
5. Overall has not complied with the AGLC.

Students at a minimum must have completed the following in order to obtain a **PASS**

1. There has been an attempt to answer all the tasks/questions but not satisfactorily. That is, there are many significant errors in the answers.
2. Identified and discussed relevant legal issues but missed a significant number of issues most if not all of which were important issues.
3. Relevant cases and legislation identified and discussed but missed a significant number of them but not a majority of them.
4. Grammar and written expression was satisfactory but there were a large amount of errors throughout.
5. Attempt to comply with AGLC but there were significant errors throughout.

Students at a minimum must have completed the following in order to obtain a **CREDIT**

1. All of the tasks/ questions have been completed but there are some errors of which are significant in nature.
2. Identified and discussed relevant legal issues but missed some issues a minority of which were significant.
3. Relevant cases and legislation identified and discussed but missed a significant number of them but not a majority of them.
4. Grammar and written expression was satisfactory with some errors throughout.
5. Attempt to comply with AGLC but there were significant errors throughout.

Students at a minimum must have completed the following in order to obtain a **DISTINCTION**

1. All of the tasks/questions have been completed with few errors of which are minor in nature.

2. Identified and discussed relevant legal issues. Any errors were few and were mostly minor.
3. Relevant cases and legislation identified and discussed. Any errors were few and mostly minor.
4. Grammar and written expression was very good with some minor errors.
5. AGLC was followed with some minor errors.

Students at a minimum must have completed the following in order to obtain a **HIGH DISTINCTION**:

1. All of the tasks/questions have been completed with no errors or almost no errors.
2. Identified and discussed all or almost all relevant legal issues.
3. All relevant cases and legislation identified and discussed with no errors or almost no errors.
4. Grammar and written expression was excellent.
5. Followed AGLC with no errors or almost no errors.

### Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

### Submission

No submission method provided.

### 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 provide solutions to these disputes.
- Use skills in team work, communication, critical legal thinking and reasoning.

### Graduate Attributes

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

## 2 Take Home Written Exam

### Assessment Type

Written Assessment

### Task Description

This will be a take home written examination. The assessment will contain a mix of problem style questions and essay style questions drawn from the whole course content with a particular focus on *Part 3: Ending the Employment Relationship*.

The take home exam is intended to simulate invigilated exam conditions (as far as possible) therefore students are given a limited time period to complete the exam.

The exam will be released on **Thursday 14th May 2020 at 12.00pm** (Qld Time) (AEST) and is due on **Friday 15th May 2020** at 11.55pm (23.55) (Qld Time) (AEST).

### Assessment Due Date

Week 9 Friday (15 May 2020) 11:55 pm AEST

To be submitted online

### Return Date to Students

Week 11 Friday (29 May 2020)

Results released online

### Weighting

60%

### Assessment Criteria

Students' work who **FAIL** this assessment will have generally displayed the following:

1. All the tasks/questions have not been completed and/or there is no attempt to answer all of the questions/tasks.
2. Did not adequately identify and discuss a relevant number of legal issues.
3. Did not adequately identify and discuss a relevant number of cases and legislation.
4. The paper is not an acceptable standard in relation to its presentation and expression because:
  - (a) is not clear and succinct and the language is not appropriate for a law assessment due to its informality;
  - (b) the structure is poor, the paper demonstrates a little awareness of structure and purpose;



- (c) the paper has largely referenced material which is not primary and/or academically rigorous for example, online summaries and blogs.
- 5. Overall has not complied with the AGLC.

Students at a minimum must have completed the following in order to obtain a **PASS**

1. There has been an attempt to answer all the tasks/questions but not satisfactorily. That is, there are many significant errors in the answers.
2. Identified and discussed relevant legal issues but missed a significant number of issues most if not all of which were important issues.
3. Relevant cases and legislation identified and discussed but missed a significant number of them but not a majority of them.
4. Grammar and written expression was satisfactory but there were a large amount of errors throughout.
5. Attempt to comply with AGLC but there were significant errors throughout.

Students at a minimum must have completed the following in order to obtain a **CREDIT**

1. All of the tasks/ questions have been completed but there are some errors of which are significant in nature.
2. Identified and discussed relevant legal issues but missed some issues a minority of which were significant.
3. Relevant cases and legislation identified and discussed but missed a significant number of them but not a majority of them.
4. Grammar and written expression was satisfactory with some errors throughout.
5. Attempt to comply with AGLC but there were significant errors throughout.

Students at a minimum must have completed the following in order to obtain a **DISTINCTION**

1. All of the tasks/questions have been completed with few errors of which are minor in nature.
2. Identified and discussed relevant legal issues. Any errors were few and were mostly minor.
3. Relevant cases and legislation identified and discussed. Any errors were few and mostly minor.
4. Grammar and written expression was very good with some minor errors.
5. AGLC was followed with some minor errors.

Students at a minimum must have completed the following in order to obtain a **HIGH DISTINCTION:**

1. All of the tasks/questions have been completed with no errors or almost no errors.
2. Identified and discussed all or almost all relevant legal issues.
3. All relevant cases and legislation identified and discussed with no errors or almost no errors.
4. Grammar and written expression was excellent.
5. Followed AGLC with no errors or almost no errors.

### Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

### Submission

No submission method provided.

### 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 provide solutions to these disputes.
- 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

## 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