LAWS12071 *Australian Employment Law*
Term 1 - 2023

Profile information current as at 12/10/2024 07:27 pm

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

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

Pre-requisite: 24 credit points of law units
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 - 2023

- 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 Unit Coordinator

Feedback
The exam time period

Recommendation
Given the unit is intensive and effectively students have 6-7 weeks to get on top of the material I recommend that the exam period go back to 24 hours rather than 6 hours. As it is not held during the normal examination period it will not be an impost on the scheduling of exams.

Feedback from Unit Coordinator

Feedback
The design of the pre-recorded lectures

Recommendation
The pre-recorded lectures to be redesigned and effectively rerecorded so that the major themes of each module are better explained.

Feedback from Unit Coordinator

Feedback
The length of the pre-recorded lectures so students are more likely to listen to them.

Recommendation
The pre-recorded lectures should range from 5 minutes to no more than 20 minutes so students are more inclined to listen to them.

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

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
Edition: 7th (2021)
Authors: Andrew Stewart
Federation Press
Sydney , NSW , Australia
ISBN: 9781760023157
Binding: eBook

Additional Textbook Information
The prescribed textbook can be accessed online at the CQUniversity Library website. Access may be limited. If you would prefer your own copy, purchase either paper or eBook versions 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)
- Zoom (both microphone and webcam capability)

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

Schedule

Pre-Term Access to Moodle - 20 Feb 2023

Module/Topic	Chapter	Events and Submissions/Topic
Preliminaries: **The reading noted here is the minimum required there may be other reading which is required - make sure you check your CQU emails/ read moodle regularly. The reason for this is that the law changes quite often in this area.	- Familiarise yourself with the moodle site, - Download materials, - Ensure you have access to the prescribed textbook (TB) (either online or in hard copy) - Introduce yourself on moodle and look for a partner for team activity in assessment 1.	Self guided reading and research.

Week 1 - 06 Mar 2023

Module/Topic	Chapter	Events and Submissions/Topic

PART 1 : Entering into the employment relationship	Reading: Chapters 1,2 & 3 in TB	Complete weekly exercises. Self guided reading and research.
Week 2 - 13 Mar 2023		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
PART 1 : Entering into the employment relationship	Reading: Chapters 4,5 & 6 in TB	Complete weekly exercises. Self guided reading and research.
Week 3 - 20 Mar 2023		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
PART 2: Regulating and managing the employment relationship.	Reading: Chapters 7, 8 & 10 of TB	Complete weekly exercises. Continue self guided reading and research.
Week 4 - 27 Mar 2023		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
PART 2: Regulating and managing the employment relationship - continues	Reading: Chapters 11, 12, 13 in TB	Complete weekly exercises. Self guided reading and research.
Week 5 - 03 Apr 2023		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
PART 3: Ending the employment relationship.	Reading: Chapters 9 & 14 in TB	Complete weekly exercises. Self guided reading and research. **Workbooks - Parts 1 and 2** Due: Week 5 Monday (3 Apr 2023) 11:59 pm AEST
Vacation Week - 10 Apr 2023		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
Vacation week	Vacation week	Vacation week
Week 6 - 17 Apr 2023		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
PART 3: Ending the employment relationship - continues	Reading: Chapters 16 & 17 in TB	Complete weekly exercises. Self guided reading and research.
Week 7 - 24 Apr 2023		
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 unit content	Self guided reading and research.
Week 8 - 01 May 2023		
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 unit content.	Review and revision. Self guided reading and research.
Week 9 - 08 May 2023		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
Take Home Exam Preparation	Self - Guided preparation.	
Week 10 - 15 May 2023		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
Week 11 - 22 May 2023		

Module/Topic	Chapter	Events and Submissions/Topic

Week 12 - 29 May 2023

Module/Topic	Chapter	Events and Submissions/Topic

Review/Exam Week - 05 Jun 2023

Module/Topic	Chapter	Events and Submissions/Topic

Exam Week - 12 Jun 2023

Module/Topic	Chapter	Events and Submissions/Topic

Assessment Tasks

1 Workbooks - Parts 1 and 2

Assessment Type
Written Assessment

Task Description
This assessment is a workbook. The purpose behind a workbook is to help students engage with the unit content early. 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*. There is a also a short teamwork exercise at the end of the workbook. This is to be done in a group of 2.
Students are encouraged to work through these questions progressively as we go through the unit content in Weeks 1 - 4.

Assessment Due Date
Week 5 Monday (3 Apr 2023) 11:59 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 7 Wednesday (26 Apr 2023)

Will be returned online

Weighting
40%

Assessment Criteria
Completion of tasks
Identification of legal issues
Discussion of relevant primary sources
Effective communication and referencing

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
Online

Submission Instructions
Please see moodle for instructions

assessmentOutcome

- 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.

assessmentGradAttribute

- 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 may 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.
NO EXTENSIONS OF TIME ON TAKE HOME PAPERS AVAILABLE
1. Submissions after the deadline has passed will not be accepted.
2. Failure to submit by the deadline will result in a mark of zero for this assessment as the paper will not be marked.
3. Extensions are not available for take home papers.
4. Exam conditions apply to all take home papers.
The date and time of the exam will be advised to students during the term.

Assessment Due Date

To be submitted online

Return Date to Students

Results released online

Weighting
60%

Assessment Criteria

	HD High Distinction	D Distinction	C Credit	P Pass	N Fail
Identification of legal issues	All legal issues are identified in a logical manner with alternative legal issues addressed where relevant.	Most of the relevant legal issues are identified in a logical manner.	Most legal issues are at a minimum identified, but some are not addressed in a logical manner.	Identifies some of the core legal issues. And/or some issues are missed or confused.	Understanding of the tasks not apparent. And/or limited or no attempt to identify legal issues.
Identification and analysis of relevant law	Identifies most of the relevant legal authority (case law/statutory provisions) to support discussions. And identifies relevant counterarguments arising from the relevant statutory provisions and case law.	Identifies most of the relevant legal authority (case law/statutory provisions) to support discussions.	Reasonable use of legal authority to support discussions. And/or evidence of a reasonable ability to interpret the relevant statutory provisions. And/or evidence of a reasonable understanding of the relevant case law	Some use of legal authority to support discussions. And/or evidence of limited ability to interpret the relevant statutory provisions. And/or evidence of a limited understanding of the relevant case law.	Little or no use of legal authority to support discussions. And/or lacks evidence of ability to interpret the relevant statutory provisions. And/or lacks evidence of an understanding of the relevant case law
Ability to apply the law to a factual scenario	Most of the relevant legal principles arising out of the relevant statutory provisions and case law are correctly applied to the facts. And most of the relevant facts are referred to. And counterarguments arising from the facts are also considered.	Most of the relevant legal principles arising out of the relevant statutory provisions and case law are correctly applied to the facts. And most of the relevant facts are referred to.	A reasonable attempt is made to apply a substantial amount of the relevant legal principles arising out of the relevant statutory provisions and case law and it is correctly applied to the facts. And a substantial amount of the relevant facts are referred to.	Some attempt is made to apply the relevant legal principles arising out of the relevant statutory provisions and case law and it is correctly applied to the facts. And some of the relevant facts are referred to	Little or no attempt to apply the relevant legal principles arising out of the relevant statutory provisions and case law to the facts. And/or little or an absence of a discussion regarding the relevant facts arising from the problem.
Ability to provide clear, supportable conclusions	Conclusion is well-reasoned, logical and is consistent with the discussions throughout the answer.	Conclusion is consistent with the discussions throughout the answer.	Conclusion is grounded in the discussions throughout the answer.	Conclusion is too brief and is inconsistent with, or does not refer to, the discussions in the answer.	Unsubstantiated conclusions based on generalisation only or no conclusions at all.

Effective communication and referencing	Fluent writing style and terminology appropriate to the document with a suitable and clear structure. Grammar, spelling and referencing are consistently accurate.	Language mainly fluent with a suitable and clear structure. Grammar, spelling and referencing are mainly accurate.	Language reasonably fluent. Structure apparent. Grammar, spelling and referencing are reasonably accurate.	Meaning apparent but language not always fluent. Some structure. Grammar and/or spelling contain errors. Referencing contains numerous errors.	Meaning unclear. Grammar and/or spelling contain frequent errors. Lack of structure. Almost all referencing is incorrect or no attempt at referencing at all.

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
Online

Submission Instructions
Submitted on moodle

assessmentOutcome

- 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.
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assessmentGradAttribute

- 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