



# **LAWS12071 Australian Employment Law**

## **Term 1 - 2024**

Profile information current as at 13/05/2024 11:13 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 Australian employment legal relationship is complex and varied. This unit is structured under three themes and modules. They are (1) entering the employment relationship (2) regulating the employment relationship and (3) ending the employment relationship. The main focus of the unit is the federal Fair Work Act 2009 (Cth) (the FWAct) and the common law contract of employment. This FWAct dominates Australian employment law and is increasingly encroaching upon other areas such as sexual harassment and discrimination which were traditionally the domain of other statutes. Understanding the FWAct is crucial to practising in this area in Australia. Students from international jurisdictions may see some similarities if they come from Common Law countries. However, by and large Australia has a unique system that is not replicated elsewhere in the world.

#### 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 - 2024

- 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 and feedback from previous student.

**Feedback**

Reintroduced the workbook exercises for the first written assessment.

**Recommendation**

Retain this assessment for 2024.

#### Feedback from Unit Coordinator and student feedback

**Feedback**

Provide more live and real opportunities for immediate feedback in relation to problem solving in the live zoom workshops.

**Recommendation**

Create more opportunities in the live workshops for students to get feedback on their problem - solving skills.

#### Feedback from Unit Coordinator and student feedback

**Feedback**

Reinforce the changing and volatile nature of employment law content in the current political environment.

**Recommendation**

Help students develop the skills to be comfortable with dynamic changes in the law during the term.

## Unit Learning Outcomes

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

1. Interpret and apply Australian employment law principles to fact scenarios in order to develop problem solving skills and legal reasoning.
2. Critically examine themes and trends in Australian employment law.
3. Develop cross cultural competency skills through an examination of employment discrimination laws.

## 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
1 - Written Assessment - 40%	•	•	•
2 - Written Assessment - 60%	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes		
	1	2	3
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			

## 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

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

## Schedule

### Week 1 - 04 Mar 2024

Module/Topic	Chapter	Events and Submissions/Topic
PART 1 : Entering into the employment relationship	Reading: Stewart, A. <i>Stewart's Guide to Employment Law</i> Edition: 7th (2021) Chapters 1,2 & 3	Complete weekly exercises. Self guided reading and research.

### Week 2 - 11 Mar 2024

Module/Topic	Chapter	Events and Submissions/Topic
PART 1 : Entering into the employment relationship	Reading: Stewart, A. <i>Stewart's Guide to Employment Law</i> Edition: 7th (2021) Chapters 4,5 & 6	Complete weekly exercises. Self guided reading and research.

### Week 3 - 18 Mar 2024

Module/Topic	Chapter	Events and Submissions/Topic
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PART 2: Regulating and managing the employment relationship.	Reading: Stewart, A. <i>Stewart's Guide to Employment Law Edition: 7th (2021)</i> Chapters 7, 8 & 10	Complete weekly exercises. Continue self guided reading and research.
<b>Week 4 - 25 Mar 2024</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
PART 2: Regulating and managing the employment relationship - continues	Stewart, A. <i>Stewart's Guide to Employment Law Edition: 7th (2021)</i> Reading: Chapters 11, 12, 13	Complete weekly exercises. Self guided reading and research.  <b>Workbooks - Parts 1 and 2 Due:</b> Week 4 Friday (29 Mar 2024) 11:59 pm AEST
<b>Week 5 - 01 Apr 2024</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
PART 3: Ending the employment relationship.	Reading: Stewart, A. <i>Stewart's Guide to Employment Law Edition: 7th (2021)</i> Chapters 9 & 14	Complete weekly exercises. Self guided reading and research.
<b>Vacation Week - 08 Apr 2024</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Vacation week	Vacation week	Vacation week
<b>Week 6 - 15 Apr 2024</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
PART 3: Ending the employment relationship REVIEW	Reading: Stewart, A. <i>Stewart's Guide to Employment Law Edition: 7th (2021)</i> Chapters 16 & 17	Complete weekly exercises. Self guided reading and research.
<b>Week 8 - 29 Apr 2024</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
Exam date TBA	Self - study	Exam Date TBA
<b>Review/Exam Week - 03 Jun 2024</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>
<b>Exam Week - 10 Jun 2024</b>		
<b>Module/Topic</b>	<b>Chapter</b>	<b>Events and Submissions/Topic</b>

## 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*.

Students are encouraged to work through these questions progressively as we go through the unit content in Weeks 1 - 4.

#### Assessment Due Date

Week 4 Friday (29 Mar 2024) 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 Monday (22 Apr 2024)

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

**Learning Outcomes Assessed**

- Interpret and apply Australian employment law principles to fact scenarios in order to develop problem solving skills and legal reasoning.
- Critically examine themes and trends in Australian employment law.
- Develop cross cultural competency skills through an examination of employment discrimination laws.

## 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*.

1. This unit has an invigilated take-home examination of **2.5 hours (150 minutes) duration**. Students should consult the Invigilated Take-home Examination Guidelines, College of Law, Criminology and Justice, available from the Laws Moodle site. A requirement of these guidelines is that students must obtain a student card for verification purposes - see [https://sportal.cqu.edu.au/\\_data/assets/pdf\\_file/0006/1113/Information-Sheet-Student-ID-Card-2017.pdf](https://sportal.cqu.edu.au/_data/assets/pdf_file/0006/1113/Information-Sheet-Student-ID-Card-2017.pdf).
2. Students must also have access to a reliable and adequate internet connection, and a computer, tablet, or laptop equipped with a working webcam, working microphone, Zoom installed and access to the unit Moodle site via an Internet browser.
3. No extensions are permitted for invigilated take-home examinations.
4. Submissions after the deadline has passed will not be accepted and will receive a mark of zero.
5. Failure to attend the invigilated take-home examination will result in a mark of zero.
6. Exam conditions apply to all invigilated take-home examinations.

**Assessment Due Date**

Week 9 Thursday (9 May 2024) 11:59 pm AEST

Exam Date & Time TBA please ignore this date.

**Return Date to Students**

Exam Week Friday (14 June 2024)

Results will be released online and may be withheld until final results are released

**Weighting**

60%

**Assessment Criteria**

**HD High  
Distinction**

**D Distinction**

**C Credit**

**P Pass**

**N Fail**

<b>Identification of legal issues</b>	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.
<b>Identification and analysis of relevant law</b>	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
<b>Ability to apply the law to a factual scenario</b>	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.
<b>Ability to provide clear, supportable conclusions</b>	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.
<b>Effective communication and referencing</b>	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

## Learning Outcomes Assessed

- Interpret and apply Australian employment law principles to fact scenarios in order to develop problem solving skills and legal reasoning.
- Critically examine themes and trends in Australian employment law.
- Develop cross cultural competency skills through an examination of employment discrimination laws.



## 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