



# LAWS13011 *Family Law*

## Term 2 - 2020

Profile information current as at 25/04/2024 03:51 pm

All details in this unit profile for LAWS13011 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

Family Law is an elective delivered via intensive mode. This unit will equip you with the knowledge and skills to practice family law by providing you with an understanding of the legislation and case law relating to the dissolution of the marriage relationship and defacto relationship, planning for future financial arrangements including the division of property, spousal maintenance and child support, the role of dispute resolution in family law and planning for child focused arrangements pertaining to children.

#### Details

Career Level: *Undergraduate*

Unit Level: *Level 3*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

#### Pre-requisites or Co-requisites

Pre-Requisites: Minimum completion of 72 credit points in units commencing with LAWS

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 2 - 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 In zoom session and email feedback to the UC

**Feedback**

Students spoke positively of the availability of the unit materials, podcasts, video and assessment information on the day the unit went live on Moodle.

**Recommendation**

The UC will continue to ensure all materials and assessment information are made available on Moodle the day the unit goes live to provide students with an opportunity to commence their study before Term 2.

#### Feedback from Feedback to the UC in zoom sessions an via email and 'have your say' survey

**Feedback**

Students informed the UC that some pages in some chapters of the textbook were not required reading for the module they were studying. They felt that some parts of the chapters did not assist in their knowledge of family law.

**Recommendation**

The UC has identified that in some chapters there are readings that may not be required for the assessment in this unit. If the same textbook is used for future offerings the UC will specify in the unit profile, page numbers within some chapters that students should read.

## Unit Learning Outcomes

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

1. Research and analyse the approach taken by the courts in resolving family law issues and applying the Family Law legislation, Family Law rules, Federal Circuit Court rules and case law.
2. Critically evaluate family law disputes, identifying relevant issues and options to resolve family law disputes including property, children and international jurisdictional issues involving the removal of children from Australia.

Not applicable.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

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

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes	
	1	2
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

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#### Prescribed

##### **Annotated Family Law Legislation**

5th Edition (2019)

Authors: Chisolm et al

Lexis Nexis

Sydney , NSW , Australia

ISBN: 9780409351248

Binding: Paperback

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#### Prescribed

##### **Family Law Principles**

2nd Edition (2015)

Authors: Harland et al

Thomson Reuters Lawbook Co.

Sydney , NSW , Australia

ISBN: 9780455233192

Binding: Paperback

#### **Additional Textbook Information**

If you prefer to study with a paper copy, they are available at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code). eBooks are available at the publisher's website.

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

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

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

## 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

**Lance Rundle** Unit Coordinator  
[l.rundle@cqu.edu.au](mailto:l.rundle@cqu.edu.au)

## Schedule

### Week 1 - 13 Jul 2020

Module/Topic	Chapter	Events and Submissions/Topic
Module 1 Introduction, ADR, family law courts, and relationships	4, 5, 2, 3 (pp 71-78) and 14	Zoom module 1

### Week 2 - 20 Jul 2020

Module/Topic	Chapter	Events and Submissions/Topic
Module 2 Property, spousal maintenance and child support	12, 13, 15, 16	Zoom module 2

### Week 3 - 27 Jul 2020

Module/Topic	Chapter	Events and Submissions/Topic
Self guided learning		<b>Written Advice</b> Due: Week 3 Friday (31 July 2020) 11:59 pm AEST

### Week 4 - 03 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Module 3 Children, parental responsibility, ICL, evidence, family violence, relocation, location, contravention and child abduction	7 (pp 217-221), 8, 11, 6, 10, 9, 18 (pp 604-626) and 19	Zoom module 3

### Week 5 - 10 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Self guided learning		

### Vacation Week - 17 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Self guided learning		

### Week 6 - 24 Aug 2020

Module/Topic	Chapter	Events and Submissions/Topic
Final assessment task due		<b>Final Take Home Paper</b> Due: Week 6 Monday (24 Aug 2020) 8:00 am AEST

## Term Specific Information

Family Law is delivered via intensive mode and studied in three modules.  
Family Law includes the study of the equitable doctrines of duress, undue influence and unconscionable conduct.

## Assessment Tasks

### 1 Written Advice

#### Assessment Type

Written Assessment

#### Task Description

You will be presented with a problem scenario, the assessment question will be released on Moodle when Moodle goes live two weeks before the commencement of term. You will be required to undertake research of legislation and case law and apply this research to support your legal argument and conclusion.

#### Assessment Due Date

Week 3 Friday (31 July 2020) 11:59 pm AEST

To be uploaded as a word document on Moodle

### **Return Date to Students**

Week 5 Friday (14 Aug 2020)

Grade and feedback will be returned on Moodle. Assessments can not be returned until all students have submitted the task. Therefore, the proposed date of return may change if there are approved extensions in this unit.

### **Weighting**

40%

### **Assessment Criteria**

You will be assessed on your research skills, your ability to reference case law, reference legislation and outline your legal argument linking the law to the problem scenario using concise, clear and grammatically correct language.

### **Referencing Style**

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

### **Submission**

Online

### **Submission Instructions**

To be uploaded as a word document on Moodle

### **Learning Outcomes Assessed**

- Research and analyse the approach taken by the courts in resolving family law issues and applying the Family Law legislation, Family Law rules, Federal Circuit Court rules and case law.
- Critically evaluate family law disputes, identifying relevant issues and options to resolve family law disputes including property, children and international jurisdictional issues involving the removal of children from Australia.

### **Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking

## **2 Final Take Home Paper**

### **Assessment Type**

Written Assessment

### **Task Description**

The Final Take Home Paper will be released on Moodle at 4pm Friday of the mid term break. The assessment will comprise family law problem scenarios requiring legal argument based on legislation and case law.

You must upload your answer on Moodle in a word document.

This assessment task must be completed by the due date. In the absence of an approved extension, there will be no opportunity to complete the task after this date and there will be no opportunity to apply a late penalty of five per cent per day and you will receive a mark of zero for this assessment task.

### **Assessment Due Date**

Week 6 Monday (24 Aug 2020) 8:00 am AEST

To be uploaded as a word document on Moodle

### **Return Date to Students**

Given the final take home paper is treated like an examination, the final take home paper will not be returned to students. Students will receive their mark for this assessment and their grade for the unit on the date of certification/release of grades.

### **Weighting**

60%

### **Assessment Criteria**

You will be assessed on your research skills, your ability to reference case law, reference legislation and outline your legal argument linking the law to the problem scenario using concise, clear and grammatically correct language.

### **Referencing Style**

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

## Submission

Online

## Submission Instructions

To be uploaded as a word document on Moodle

## Learning Outcomes Assessed

- Research and analyse the approach taken by the courts in resolving family law issues and applying the Family Law legislation, Family Law rules, Federal Circuit Court rules and case law.
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## Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking

## 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