



# LAWS13011 *Family Law*

## Term 2 - 2022

Profile information current as at 05/07/2022 03:33 pm

All details in this unit profile for LAWS13011 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

Family Law is a third-year unit delivered via intensive mode. The assessment in Family Law will require you to participate in advocacy-based tasks, which may include live oral assessment in the form of a viva voce, peer work conducting a hearing, written advice and submissions. Family Law will equip you with the knowledge and skills to practice family law. You will develop the ability to identify legal issues and structure legal arguments to resolve the issue. Family Law will provide you with an understanding of the legislation and case law relating to the dissolution of the marriage relationship and de facto relationship, financial arrangements including the division of property, spousal maintenance and child support, the role of dispute resolution in family law and negotiating 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: 72 credit points in LAWS units including LAWS12078 Equity and Trusts

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 - 2022

- 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. **Practical Assessment**

Weighting: 40%

#### 2. **Take Home Exam**

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 Student communication with UC and feedback survey

**Feedback**

Increased advocacy based tasks for assessments

**Recommendation**

The assessment tasks in this unit will be re-written to focus on a broad range of advocacy skills. Future assessment tasks may include written and oral advocacy.

#### Feedback from Student communication with the UC

**Feedback**

Students spoke positively of the unit being delivered via intensive mode

**Recommendation**

The unit will continue to be delivered via intensive mode.

#### Feedback from Student communication with the UC

**Feedback**

Students spoke positively of the unit materials and assessment one available two weeks before the term commence

**Recommendation**

The unit coordinator will ensure all unit notes, the podcasts and assessment one are available on Moodle the day the unit goes live to give students an opportunity to start the unit prior to week one.

#### Feedback from Identified by the UC

**Feedback**

Update required of the unit learning outcomes and overview of the unit given the merger of the Federal Circuit Court of Australia and the Family Court of Australia

**Recommendation**

A proposal has already been initiated to amend the unit profile to reflect the new court name and associated court rules.

#### Feedback from Identified by the UC

**Feedback**

If the unit moves towards a broad range of advocacy tasks, we need to ensure the unit overview in the unit profile specifies the types of assessment tasks students might have to undertake for example oral assessment

**Recommendation**

A proposal has already been initiated to amend the unit profile to state the assessment tasks will include advocacy work such as oral advocacy and written advocacy.

#### Feedback from Feedback via the have your say survey

**Feedback**

Students gave positive feedback that the UC discussed each topic in the live Zoom sessions based on real life examples and the topics were discussed through a family law scenario so they could see how the issues are dealt with and evolve in legal practice and the court room

**Recommendation**

The UC will continue to use real life family law scenarios when discussing family law legal issues.

## 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 applying the family law legislation, Practice Directions, the Federal Circuit and Family Court of Australia Rules and case law.
2. Critically evaluate family law disputes, identifying relevant legal issues and options to resolve family law disputes relating to relationships, property, maintenance, child support, children and international jurisdictional issues including 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
<b>1 - Practical Assessment - 40%</b>	•	•
<b>2 - Take Home Exam - 60%</b>	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes	
	1	2
<b>1 - Communication</b>	•	•
<b>2 - Problem Solving</b>	•	•
<b>3 - Critical Thinking</b>	•	•
<b>4 - Information Literacy</b>		
<b>5 - Team Work</b>		
<b>6 - Information Technology Competence</b>		
<b>7 - Cross Cultural Competence</b>		
<b>8 - Ethical practice</b>		
<b>9 - Social Innovation</b>		
<b>10 - Aboriginal and Torres Strait Islander Cultures</b>		

## Textbooks and Resources

### Textbooks

LAWS13011

#### Prescribed

#### Family Law Principles

3rd Edition (2021)

Authors: Harland, Cooper, Turnbull and Rundle

Thomson Reuters Lawbook Co.

Sydney , NSW , Australia

ISBN: 9780455244532

Binding: Paperback

[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 - 11 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Module 1 Introduction to family law, ADR, family courts, and relationships	4, 5, 2, 3, 14	Zoom module 1

### Week 2 - 18 Jul 2022

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

### Week 3 - 25 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Module 3 Children, parental responsibility, ICL, evidence, family violence, relocation, location, contravention and child abduction	6, 7, 8, 11, 10, 9, 18 (607-628) 19	Zoom module 3 <b>Practical assessment</b> Due: Week 3 Monday (25 July 2022) 8:00 am AEST

### Week 4 - 01 Aug 2022

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

### Week 5 - 08 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
Self-guided learning and final take-home exam		<b>Take Home Exam</b> Due: Week 5 Friday (12 Aug 2022) 12:00 pm AEST

## Assessment Tasks

### 1 Practical assessment

#### Assessment Type

Practical Assessment

#### Task Description

The assessment question will be released on Moodle when Moodle goes live two weeks before the commencement of term.

The question will include a marking rubric and marker's expectations to guide students.

You will be required to undertake research of family law legislation and case law and apply this research to support your legal argument and conclusion.

#### Assessment Due Date

Week 3 Monday (25 July 2022) 8:00 am AEST

To be uploaded as a word document via the assessment one upload link on Moodle

#### Return Date to Students

Week 5 Monday (8 Aug 2022)

Grade and feedback will be returned on Moodle. Assessments cannot 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 and conclusion linking the law to the question using concise, clear and grammatically correct language. The marking rubric will apply the following criteria which are a general guide as to the standard expected at the various levels. It is not necessarily the case that all criteria will be met at a particular standard, as there may be superior performance on one of the criteria and not so satisfactory performance on another.

High Distinction standard:

- the assignment is very well written/spoken and clearly expressed
- there is a demonstrated appreciation and understanding of the issues involved
- the assignment is well structured and logically organised
- demonstrated mastery of referencing system
- there is evidence of a comprehensive analysis of the issues

Distinction standard:

- the assignment is well written/spoken and expressed
- the assignment is structured and logical
- the issues have been reasonably well identified and appreciated
- there is the correct use of referencing
- issues have been analysed

Credit standard:

- the assignment is generally well written/spoken and expressed
- the assignment is structured and sequential
- referencing is satisfactory
- issues are identified and addressed
- there has been an attempt to analyse some of the issues

Pass standard:

- the assignment is able to be followed and understood
- the assignment could perhaps be better organised and structured
- the referencing may need improvement
- issues may need to be identified and addressed in more depth
- analysis when present may be incorrect

Fail standard:

- the assignment is sometimes significantly short of the required length
- the expression is poor and difficult to understand
- the assignment is poorly organised
- there has been a failure to address the issues in the question
- referencing is generally inadequate

### **Referencing Style**

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

### **Submission**

Online

### **Learning Outcomes Assessed**

- Research and analyse the approach taken by the courts in resolving family law issues applying the family law legislation, Practice Directions, the Federal Circuit and Family Court of Australia Rules and case law.
- Critically evaluate family law disputes, identifying relevant legal issues and options to resolve family law disputes relating to relationships, property, maintenance, child support, children and international jurisdictional issues including the removal of children from Australia.

## 2 Take Home Exam

### Assessment Type

Take Home Exam

### Task Description

The Final Take Home Paper will be released on Moodle on Friday 12 August at 8 am and is due on Friday 12 August at 12 pm (midday).

The assessment will comprise family law problem scenarios requiring legal argument and a conclusion with reference to family law legislation and case law.

The question will include a marking rubric and marker's expectations overview to guide students.

This assessment task must be completed by the due date. Failure to submit by the deadline will result in a mark of zero for this assessment as the paper will not be marked. Extensions are not available for this assessment.

### Assessment Due Date

Week 5 Friday (12 Aug 2022) 12:00 pm AEST

To be uploaded as a word document via the assessment two upload link on Moodle

### Return Date to Students

Given the final take home paper is treated like an examination, results will be released online on the date of certification of grades with a marker's feedback report on Moodle.

### 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 and conclusion linking the law to the problem scenario using concise, clear and grammatically correct language.

A marking rubric and marker's expectations overview will be released with the take home exam paper.

### Referencing Style

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

### Submission

Online

### Learning Outcomes Assessed

- Research and analyse the approach taken by the courts in resolving family law issues applying the family law legislation, Practice Directions, the Federal Circuit and Family Court of Australia Rules and case law.
- Critically evaluate family law disputes, identifying relevant legal issues and options to resolve family law disputes relating to relationships, property, maintenance, child support, children and international jurisdictional issues including the removal of children from Australia.



## 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