LAWS13011 *Family Law*
Term 2 - 2023

Profile information current as at 12/10/2024 06:28 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 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 - 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. **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 Communication with UC, survey

Feedback

Students have requested a focus on family law advocacy

Recommendation

The UC will continue to discuss family law scenarios from the court room perspective and design assessment tasks that build and assess advocacy skills.

Feedback from Communication with UC, survey

Feedback

The unit materials were available the day Moodle went live which was great for studying via intensive mode

Recommendation

The UC will continue to have all unit materials, podcasts or video, and assessment one question available for students to access on Moodle the day the unit goes live.

Feedback from Communication with UC, survey

Feedback

Positive feedback from students in regard to the live Zoom sessions which discussed family law scenarios from a real life perspective

Recommendation

The UC will continue to provide live Zoom sessions for each module and in each of those Zoom sessions will discuss the various family law topics from the perspective of a legal practitioner representing a client

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

— 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
1 - Practical Assessment - 40%	•	•
2 - Take Home Exam - 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		

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

Schedule

Module 1 - 10 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
Module 1 Introduction to family law, dispute resolution, the court process, and relationships	4, 5, 2, 3, 14	Zoom module 1 week 1

Module 2 - 10 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
Module 2 Property, spousal maintenance and child support	12, 13, 15, 16	Zoom module 2 week 1

Module 3 - 17 Jul 2023

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 week 2

Week 3 - 24 Jul 2023

Module/Topic	Chapter	Events and Submissions/Topic
Self guided learning		**Practical assessment** Due: Week 3 Monday (24 July 2023) 8:00 am AEST

Week 4 - 31 Jul 2023

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

Week 5 - 07 Aug 2023

Module/Topic	Chapter	Events and Submissions/Topic
Self guided learning		**Take Home Exam** Due: Week 5 Friday (11 Aug 2023) 1:00 pm AEST

Term Specific Information

Family Law is delivered via intensive mode. The study of the modules and the assessment tasks is delivered and due over a five-week period of time. The purpose of intensive study is to prepare students for a career in legal practice where file work and court appearances will be completed over a short period of time and often in urgent circumstances, take for example a recovery order or an injunction to prevent the disposal of property.
It is expected students will have an understanding of Equity and Trusts before they commence Family Law.
Some assessment tasks in Family Law may require students to complete oral advocacy via Zoom and conduct advocacy hearings with other students.

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 in their research and to answer the problem scenario.
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 (24 July 2023) 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 (7 Aug 2023)

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

assessmentOutcome

- 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.

assessmentGradAttribute

2 Take Home Exam

Assessment Type
Take Home Exam

Task Description
The Final Take Home Paper will be released on Moodle on Friday 11 August at 9 am and is due on Friday 11 August at 1 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. Exam conditions apply to all take home papers.

Assessment Due Date
Week 5 Friday (11 Aug 2023) 1:00 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

assessmentOutcome

- 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.

assessmentGradAttribute

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