LAWS13012 *Succession*

Term 3 - 2019

Profile information current as at 18/04/2024 12:38 pm

All details in this unit profile for LAWS13012 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

This unit examines issues in Succession Law in Queensland. It covers the principles and practice relating to Enduring Powers of Attorney, Wills, intestacy, the administration of an estate (both testate and intestate) and family provision applications. Emphasis is placed on the importance of the relevant legislation, court decisions and statutory procedures to succession law practice.

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

Prerequisite:- LAWS12060 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 3 - 2019

- 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: 30%
2. **Group Discussion**
Weighting: 10%
3. **Take Home Exam**
Weighting: 40%
4. **Group Discussion**
Weighting: 20%

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 Students/Staff

Feedback

The students felt the Qld specific text of Preece would be better then the one used which was a text that tried to cover the whole of Australia.

Recommendation

Change text to the Preece text (Lee's Manual of Succession Law)

Feedback from Students/Staff

Feedback

Students thought the exam was worth too much (70%)

Recommendation

Change assessment to a 40% assignment, 10% quiz and a 50% exam

Unit Learning Outcomes

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

1. Draft a Will and a Power of Attorney from a given set of facts.
2. Explain how the administration of an estate (intestate or testate) should proceed.
3. Recognise, analyse and critically reflect on the succession law issues arising out of encountered fact situations.
4. Describe the ethical considerations that arise with wills and powers of attorney.

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 - 30%	•			
2 - Group Discussion - 10%	•			
3 - Take Home Exam - 40%			•	•
4 - Group Discussion - 20%		•		•

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 - 30%	•	•	•					•		
2 - Group Discussion - 10%	•	•	•					•		
3 - Take Home Exam - 40%	•	•	•					•		
4 - Group Discussion - 20%	•	•	•					•		

Textbooks and Resources

Textbooks

LAWS13012

Prescribed

Lee's Manual of Queensland Succession Law
Edition: 8th (2019)
Authors: Alun A Preece
Thomson Reuters
Sydney , NSW , Australia
ISBN: 9780455240534
Binding: Paperback

Additional Textbook Information
Paper copies are available at the CQUni Bookshop here: http://bookshop.cqu.edu.au (search on the Unit code). There is an eBook at the publisher's website. However, both are the same price.

View textbooks at the CQUniversity Bookshop

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Access to Zoom (session log-in details will be provided)

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

Christopher Walshaw Unit Coordinator
c.walshaw@cqu.edu.au

Schedule

Week 1 - 11 Nov 2019

Module/Topic	Chapter	Events and Submissions/Topic
Nature and Function of Wills	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapters 1 and 2	Group Discussion of Activity

Week 2 - 18 Nov 2019

Module/Topic	Chapter	Events and Submissions/Topic
Taking Instructions and Drafting of Wills	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapter 3	Group Discussion of Activity

Week 3 - 25 Nov 2019

Module/Topic	Chapter	Events and Submissions/Topic
Formal Requirements of Wills	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapter 4	Group Discussion of Activity **Practical Assessment** Due: Week 3 Friday (29 Nov 2019) 10:00 pm AEST

Week 4 - 02 Dec 2019

Module/Topic	Chapter	Events and Submissions/Topic
Testamentary Capacity	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapter 4	Assessment Two

Vacation Week - 09 Dec 2019

Module/Topic	Chapter	Events and Submissions/Topic

Week 5 - 16 Dec 2019

Module/Topic	Chapter	Events and Submissions/Topic
Revocation, Alteration, Republication and Revival of Wills	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapters 5 and 6	Group Discussion of Activity **Group Discussion** Due: Week 5 Monday (16 Dec 2019) 12:00 am AEST

Week 6 - 23 Dec 2019

Module/Topic	Chapter	Events and Submissions/Topic
Construction of Wills: General Principles and Description of Beneficiaries	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapters 14 and 16	Group Discussion of Activity

Week 7 - 06 Jan 2020

Module/Topic	Chapter	Events and Submissions/Topic
Construction of Wills: Description of Property, Ademption and Quantum of Interests	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapters 15 and 17	Group Discussion of Activity

Week 8 - 13 Jan 2020

Module/Topic	Chapter	Events and Submissions/Topic
Death and Administration	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapters 7 and 8	Group Discussion of Activity

Week 9 - 20 Jan 2020

Module/Topic	Chapter	Events and Submissions/Topic
Administration and Payment of Debts	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapters 8 and 9	Group Discussion of Activity

Week 10 - 27 Jan 2020

Module/Topic	Chapter	Events and Submissions/Topic

Intestacy	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapter 12	Group Discussion of Activity
Week 11 - 03 Feb 2020		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
Family Provision	Alun A Preece, *Lee's Manual of Queensland Succession Law* (Lawbook, 8th ed, 2019) Chapter 13	Group Discussion of Activity
Week 12 - 10 Feb 2020		
Module/Topic	**Chapter**	**Events and Submissions/Topic**
Assessment Three		Assessment Three **Written Assessment in the form of a Take Home Paper** Due: Week 12 Friday (14 Feb 2020) 10:00 pm AEST **Group Discussions** Due: Week 12 Monday (10 Feb 2020) 12:00 am AEST

Assessment Tasks

1 Practical Assessment

Assessment Type
Written Assessment

Task Description
Preparation of a will in respect of a given scenario. The will is one document to be submitted to Moodle before due date.

Assessment Due Date
Week 3 Friday (29 Nov 2019) 10:00 pm AEST

Return Date to Students
Week 5 Friday (20 Dec 2019)
Via Moodle and Grade Book

Weighting
30%

Assessment Criteria
1. Demonstrate a sound understanding of the concepts relevant to Weeks 1 to 3 (inclusive).
2. Demonstrate an ability to identify and address the particular matters of fact and law raised by the scenario and relevant to Weeks 1 to 3 (inclusive).
3. Demonstrate skills in understanding instructions.
4. Demonstrate proficient legal research skills to accurately identify issues and compose solutions in respect of succession law problems.
5. Apply appropriate and professional written language skills.
6. Demonstrate analytical, problem solving and critical thinking skills.

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
Online

Submission Instructions
One document posted to Moodle

Learning Outcomes Assessed

- Draft a Will and a Power of Attorney from a given set of facts.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Ethical practice

2 Group Discussion

Assessment Type
Group Discussion

Task Description
Students participate in a group discussion during Week 4 of the wills submitted in Assessment One. Depending on the size of the class, the class will be divided into groups as arranged with the class. There are likely to be two groups and therefore two day and times for students to select. The wills submitted will be made available to the relevant group members and these will be the subject of the group discussion.

Assessment Due Date
Week 5 Monday (16 Dec 2019) 12:00 am AEST

Return Date to Students
Week 5 Friday (20 Dec 2019)
Together with Assessment One

Weighting
10%

Assessment Criteria
1. Demonstrate an ability to formulate and express orally your own point of view about the wills as they relate to the Weeks 1-3 (inclusive).
2. Demonstrate problem solving and critical thinking skills in response to the wills.
3. Act and respond appropriately to the comments and opinions expressed by others.
4. Demonstrate an understanding of Weeks 1-3 (inclusive).

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
No submission method provided.

Submission Instructions
Via Zoom

Learning Outcomes Assessed

- Draft a Will and a Power of Attorney from a given set of facts.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Ethical practice

3 Written Assessment in the form of a Take Home Paper

Assessment Type
Take Home Exam

Task Description
A written assessment in the form of a take home paper, to be posted by the UC to Moodle before Week 12 and to be completed in Week 12 before the due date. Students must complete and post their answer paper within 24 hours between the day and time the student opens the take home paper and the day and time the student posts her or his answer. Students should note that the system enables the Unit Coordinator to ascertain when a student opens the paper. Once you open the paper, even out of curiosity, you are committed to the 24 hour period. Students should also note the rules prohibiting contract cheating and plagiarism.
The paper contains four compulsory questions each worth 10%. Word limit for each answer for each of the questions is 500 words, excluding references. References are not required, except to avoid plagiarism. The questions will test your knowledge of Weeks 1 -11.

Assessment Due Date
Week 12 Friday (14 Feb 2020) 10:00 pm AEST

Return Date to Students
Exam Week Friday (21 Feb 2020)

Weighting
40%

Assessment Criteria
1. Demonstrate a sound knowledge of succession law canvassed in the unit.
2. Demonstrate an ability to formulate and express your own point of view about the law canvassed in the unit.
3. Apply appropriate and professional written language skills.
4. Demonstrate problem solving and critical thinking skills in response to each of the questions.

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
Online

Submission Instructions
One document posted to Moodle

Learning Outcomes Assessed

- Recognise, analyse and critically reflect on the succession law issues arising out of encountered fact situations.
- Describe the ethical considerations that arise with wills and powers of attorney.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Ethical practice

4 Group Discussions

Assessment Type
Group Discussion

Task Description
Group discussions of activities in each of Weeks 1 to 3 and 5 to 11. Attendance is via Zoom and requires audio and video.
In the event that a student is unable to attend a discussion topic for good reason, the student may contact the Unit Coordinator before the discussion in the relevant week and arrange to submit by email attachment a brief response to the activity for that week in lieu of attendance.
There are 10 discussions and 2 marks for each discussion. The day or days for such discussions will be discussed with students.

Assessment Due Date
Week 12 Monday (10 Feb 2020) 12:00 am AEST

Return Date to Students
Exam Week Friday (21 Feb 2020)
Via Moodle and Grade Book

Weighting
20%

Assessment Criteria
1. Demonstrate an ability to formulate and express orally your own point of view about the relevant activity.
2. Demonstrate problem solving and critical thinking skills in response to the activity.
3. Act and respond appropriately to the comments and opinions expressed by others.
4. Demonstrate an understanding of the Week relevant to the activity.

Referencing Style

- Australian Guide to Legal Citation, 4th ed

Submission
No submission method provided.

Submission Instructions
Via Zoom

Learning Outcomes Assessed

- Explain how the administration of an estate (intestate or testate) should proceed.
- Describe the ethical considerations that arise with wills and powers of attorney.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Ethical practice

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