



LAWS13012 *Succession*

Term 3 - 2021

Profile information current as at 19/05/2022 09:26 pm

All details in this unit profile for LAWS13012 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

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: 48 credit points of law units including LAWS12078

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 - 2021

- 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. **Group Discussion**

Weighting: 20%

4. **Take Home Exam**

Weighting: 40%

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 Generally positive student feedback

Feedback

Tutorial activities

Recommendation

That they be continued and be assessed for attendance and participation with allowances made for good reason for not attending. Recordings should be made available.

Feedback from Generally positive student feedback but a source of dissent.

Feedback

Assessments One and Two, preparation of a will and the sharing and discussion of the students' posts.

Recommendation

That this novel approach to assessments be continued. Note, if this is not agreed there will need to be an approved change.

Feedback from Student feedback and UC

Feedback

Lectures

Recommendation

There should be recorded video lectures for each Topic.

Feedback from Student feedback and UC

Feedback

The Take Home Paper should take place during a 24 hour window fixed well in advance.

Recommendation

Assessment Three should be amended accordingly. It may be necessary to coordinate the timing with other Term 3 UCs.

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%	•			

Assessment Tasks	Learning Outcomes			
	1	2	3	4
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: LAWS13012

Lawbook Co

Sydney , NSW , Australia

ISBN: 9780455240534 (ebook 9780455240541)

Binding: Paperback

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Zoom
- MS Teams

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

Arabella Kullack Unit Coordinator

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Nichola Corbett-Jarvis Unit Coordinator

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Schedule

Week 1 - 08 Nov 2021

Module/Topic	Chapter	Events and Submissions/Topic
Nature and Function of a Will	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019) Chapter 2	Weekly Zoom workshop

Week 2 - 15 Nov 2021

Module/Topic	Chapter	Events and Submissions/Topic
Formal Requirements of a Will and Testamentary Capacity	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Paragraphs 3.10 - 3.90, and paragraphs 4.10 - 4.110	Weekly Zoom workshop

Week 3 - 22 Nov 2021

Module/Topic	Chapter	Events and Submissions/Topic
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Lack of Capacity, Undue Influence and Suspicious Circumstances	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Paragraphs 3.100 - 3.240	Weekly Zoom workshop
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Week 4 - 29 Nov 2021

Module/Topic	Chapter	Events and Submissions/Topic
Informal and Statutory Wills	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Paragraphs 3.250 - 3.260	Weekly Zoom workshop

Vacation Week - 06 Dec 2021

Module/Topic	Chapter	Events and Submissions/Topic
		No Zoom workshop this week

Week 5 - 13 Dec 2021

Module/Topic	Chapter	Events and Submissions/Topic
Constructions of Wills	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Chapters 14, 15 and 16	Weekly Zoom workshop Practical Assessment Due: Week 5 Friday (17 Dec 2021) 11:59 pm AEST

Week 6 - 20 Dec 2021

Module/Topic	Chapter	Events and Submissions/Topic
Intestacy	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Chapter 12	Weekly Zoom workshop

Vacation Week - 27 Dec 2021

Module/Topic	Chapter	Events and Submissions/Topic
		No Zoom workshop this week

Week 7 - 03 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic
Death, Burial and Cremation	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Chapter 7	Weekly Zoom workshop Group Discussion Due: Week 7 Friday (7 Jan 2022) 11:59 pm AEST

Week 8 - 10 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic
Legal Personal Representatives and their Duties, Powers and Rights	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Chapter 9	Weekly Zoom workshop

Week 9 - 17 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic
Legal Personal Representatives and Grants of Representation	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Chapter 8	Weekly Zoom workshop

Week 10 - 24 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic
Estate Administration and Beneficiaries' Rights	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Chapter 10	Weekly Zoom workshop

Week 11 - 31 Jan 2022

Module/Topic	Chapter	Events and Submissions/Topic
Family Provision Applications	AA Preece, <i>Lee's Manual of Queensland Succession Law</i> (Thomson Reuters, 8th ed, 2019), Chapter 13	Weekly Zoom workshop Group Discussion and Presentation Due: Week 11 Monday (31 Jan 2022) 11:59 pm AEST
Week 12 - 07 Feb 2022		
Module/Topic	Chapter	Events and Submissions/Topic
Revision week	No reading this week.	Weekly Zoom workshop
Exam Week - 14 Feb 2022		
Module/Topic	Chapter	Events and Submissions/Topic

Assessment Tasks

1 Practical Assessment

Assessment Type

Written Assessment

Task Description

Students must prepare two checklists to be used when taking will instructions and when executing wills to ensure the document is valid and complies with legislative requirements. The checklists will have a total weighting of 10%.

Students must also prepare a memo to the Managing Partner:

1. explaining the relevance and importance of each point on the checklists; and
2. the risks arising if the points are not addressed.

Case examples and citations should be used where relevant and must comply with the Australian Guide to Legal Citation. The memo to the Managing Partner will have a weighting of 20%.

Assessment Due Date

Week 5 Friday (17 Dec 2021) 11:59 pm AEST

Return Date to Students

Grades will be returned within 2 teaching weeks of the due date (i.e. Friday of week 7).

Weighting

30%

Assessment Criteria

This Practical Assessment assesses your ability to:

- Identify practical and legal issues arising in the drafting and execution of a will;
- Locate and interpret suitable legal sources;
- Explain the significance of relevant legislative provisions and cases in the drafting and execution of a will;
- Identify suitable ways in which risks may be minimised;
- Structure the memos in a logical and professional manner; and
- Communicate effectively and professionally in writing.

Referencing Style

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

Submission

Online

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 must work in groups for this assessment. In groups of 3-5 students will each find a Queensland case dealing with an informal will application and present the key findings of the Court in a short case summary (approximately 200 words). Students should focus on why the Court did or did not accept the document propounded as an informal will.

In groups, students should discuss the cases in Microsoft Teams, including comparing and contrasting the findings in each of the cases. Students must analyse the cases and discuss why the documents were or were not considered an informal will and reflect on the implications for legal practice and members of the public.

Assessment Due Date

Week 7 Friday (7 Jan 2022) 11:59 pm AEST

Return Date to Students

We will endeavour to return grades within 2 weeks.

Weighting

10%

Assessment Criteria

This Group Discussion assesses your ability to:

- Present information and ideas in writing in a logical and professional manner;
- Locate suitable legal sources as evidence in support of discussion points;
- Communicate effectively and professionally in the group discussions; and
- Critically analyse the legal and practical issues arising from the cases discussed.

Referencing Style

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

Submission

Online

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 Group Discussion and Presentation

Assessment Type

Group Discussion

Task Description

Students must work in groups for this assessment. In groups of 3-4, students will each select a different type of limited or special grant of representation to present to the members of the group via Zoom, which must be recorded live. Students must submit a video of this Zoom recording on

Moodle.

Each student will advise:

- The function of the grant;
- When it should be used; and
- Provide a reported case example of when a grant of that type has been obtained with a short summary of facts and key findings.

Each student's presentation should last not more than 5 minutes. Other members of the group must ask questions of each presenter and engage meaningfully in discussion of the content, including critically analysing the decision and discussing the implications of the decision for legal practice and the community. The maximum time permitted for the group recording is 40 minutes (including all presentations and discussions).

Assessment Due Date

Week 11 Monday (31 Jan 2022) 11:59 pm AEST

Return Date to Students

We will endeavour to return grades within 2 weeks.

Weighting

20%

Assessment Criteria

This Group Discussion assesses your ability to:

- Orally present information and ideas to an audience in a concise and professional manner;
- Structure the presentation in a logical manner;
- Locate suitable legal sources as evidence in support of discussion points;
- Communicate effectively and professionally within the group discussion;
- Ask questions of other presenters and engage in discussion on particular points; and
- Critically analyse the legal and practical issues arising from the presentations and discussion points.

Referencing Style

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

Submission

Online

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

4 Take Home Assessment

Assessment Type

Take Home Exam

Task Description

Students must complete a take home paper, which will be 6 hours in duration. The take home paper will be held in the formal exam period. The date for the take home paper will be advised in due course.

The take home paper will comprise a series of short answer questions and factual scenarios and will cover weeks 1-11 of the Unit.

The following apply to take home papers:

1. Submissions after the deadline has passed will not be accepted.
2. Failure to submit by the deadline will automatically result in a mark of zero for this assessment as the paper will not be marked.
3. Extensions are not available for this take home paper.
4. Exam conditions apply to all take home papers.
5. Your answer must be your own work. You must not copy or receive assistance from others. You must not discuss your work or share it with others.
6. Your work must not plagiarise the work of others. Where you use another's work or idea, you must acknowledge the source of that work or idea. Where the text is a direct quote from the original source, this must be indicated in your work.

Assessment Due Date

The date and time of the take home paper will be advised in due course.

Return Date to Students

Papers and grades must be withheld until certification of grades.

Weighting

40%

Assessment Criteria

The Take Home Assessment assesses your ability to:

- Identify legal and factual issues;
- Interpret and apply the law to factual scenarios;
- Use suitable authorities in support of discussions;
- Provide practical advice; and
- Communicate effectively in writing.

Referencing Style

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

Submission

Online

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

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