



# LAWS13012 *Succession*

## Term 3 - 2023

Profile information current as at 27/04/2024 04:29 pm

All details in this unit profile for LAWS13012 have been officially approved by CQUUniversity 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, testamentary capacity, 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 and the unit offers insight into many of the practical aspects of practising in this area through authentic assessment tasks.

#### 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 - 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. **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 Reflection by Unit Coordinator and Learning & Teaching Coordinator

**Feedback**

Reduce the number of assessments

**Recommendation**

The number of assessments in the unit (currently four assessments) should be reduced to allow students more time to work on each assessment, particularly as T3 is a busy time of year.

#### Feedback from Student feedback, Unit Coordinator reflection

**Feedback**

Retain the authentic drafting task

**Recommendation**

Retain authentic drafting exercises that expose students to tasks they would be expected to undertake as a newly qualified lawyer or trainee working in a firm specialising in wills and estate planning.

## Unit Learning Outcomes

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

1. Communicate effectively in writing, including drafting legal documents in accordance with procedural requirements and drafting conventions.
2. Critically analyse the facts and law to provide advice on both practical and legal matters with reference to relevant legislation and case law.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes	
	1	2
1 - Practical 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		

## 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

#### Additional Textbook Information

Check library website to see if available also online.

### IT Resources

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

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

## 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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## Schedule

### Week 1 - 06 Nov 2023

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 - 13 Nov 2023

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 - 20 Nov 2023

Module/Topic	Chapter	Events and Submissions/Topic
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
<b>Week 4 - 27 Nov 2023</b>		
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
<b>Vacation Week - 04 Dec 2023</b>		
Module/Topic	Chapter	Events and Submissions/Topic
		No Zoom workshop this week
<b>Week 5 - 11 Dec 2023</b>		
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
<b>Week 6 - 18 Dec 2023</b>		
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 <b>Practical Assessment</b> Due: Week 6 Friday (22 Dec 2023) 6:00 pm AEST
<b>Vacation Week - 25 Dec 2023</b>		
Module/Topic	Chapter	Events and Submissions/Topic
		No Zoom workshop this week
<b>Week 7 - 01 Jan 2024</b>		
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
<b>Week 8 - 08 Jan 2024</b>		
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
<b>Week 9 - 15 Jan 2024</b>		
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
<b>Week 10 - 22 Jan 2024</b>		
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 - 29 Jan 2024

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

## Week 12 - 05 Feb 2024

Module/Topic	Chapter	Events and Submissions/Topic
Assignment Writing Tips	No reading this week.	Weekly Zoom workshop <b>Written Assessment</b> Due: Week 12 Thursday (8 Feb 2024) 6:00 pm AEST

## Exam Week - 12 Feb 2024

Module/Topic	Chapter	Events and Submissions/Topic
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## Assessment Tasks

### 1 Practical Assessment

#### Assessment Type

Practical Assessment

#### Task Description

Students will be provided with a factual scenario in the form of a File Note from a managing partner and will be asked to prepare:

1. A simple Will;
2. An Enduring Power of Attorney; and
3. An accompanying Letter of Advice.

When preparing the Letter of Advice students should:

1. Explain the importance of a Will and Enduring Power of Attorney;
2. Explain why the Will and Enduring Power of Attorney have been drafted in their current form;
3. Highlight any further information required to complete the Will and Enduring Power of Attorney (if necessary); and
4. Identify and advise on any other issues arising from the information contained in the File Note.

Case examples and citations should be used where relevant and must comply with the Australian Guide to Legal Citation.

Assessment weightings:

Will and Enduring Power of Attorney: 10%.

Letter of Advice: 30%.

Word Limit for the Letter of Advice: 1,500 words.

Students must NOT use ChatGPT or other Generative AI in preparing their assignments.

Further instructions will be provided on Moodle.

#### Assessment Due Date

Week 6 Friday (22 Dec 2023) 6:00 pm AEST

Students must submit their assignment as a Word document.

#### Return Date to Students

Estimated return timeframe is two weeks.

#### Weighting

40%

#### Assessment Criteria

This Practical Assessment assesses your ability to:

- Identify practical and legal issues arising in the drafting and execution of a Will and Enduring Power of Attorney;
- Locate and interpret suitable legal sources;
- Explain the significance of relevant legislative provisions and cases in the drafting and execution of a will;
- Explain the operation of the intestacy provisions;

- Identify matters requiring further information and instructions;
- Identify suitable ways in which risks may be minimised; and
- Communicate effectively and professionally in writing.

### Referencing Style

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

### Submission

Online

### Submission Instructions

Students must submit their assignment as a Word document.

### Learning Outcomes Assessed

- Communicate effectively in writing, including drafting legal documents in accordance with procedural requirements and drafting conventions.
- Critically analyse the facts and law to provide advice on both practical and legal matters with reference to relevant legislation and case law.

## 2 Written Assessment

### Assessment Type

Written Assessment

### Task Description

This Assessment will comprise of three (3) factual scenarios worth 20% each and will cover weeks 1-11 of the Unit. Students must identify and advise on a variety of succession law issues.

Total Word Limit for Scenarios: 2,500 words.

The Assessment will be released at 9:00am on Thursday 1 February 2024 and is due by Thursday 8 February 2024 at 6:00pm AEST.

Referencing must comply with the Australian Guide to Legal Citation.

Students must NOT use ChatGPT or other Generative AI in preparing their assignment.

Further instructions will be provided on Moodle.

### Assessment Due Date

Week 12 Thursday (8 Feb 2024) 6:00 pm AEST

Students must submit all three scenarios as one Word document.

### Return Date to Students

Results may be withheld until certification of grades.

### Weighting

60%

### Assessment Criteria

This assessment will assess 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

### Submission Instructions

Students must submit all three scenarios as one Word document.

### Learning Outcomes Assessed

- Communicate effectively in writing, including drafting legal documents in accordance with procedural requirements and drafting conventions.



- Critically analyse the facts and law to provide advice on both practical and legal matters with reference to relevant legislation and case law.

## 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