



LAWS13017 Civil Procedure

Term 2 - 2022

Profile information current as at 19/08/2022 06:58 pm

All details in this unit profile for LAWS13017 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

LAWS13017 Civil procedure explores the issues of cost, delay and access to justice as critical issues in modern case management. In this unit you will examine in detail the following issues in civil litigation: court adjudication under an adversary system; the cost of litigation and the use of costs to control litigation; service of originating process - as foundation of jurisdiction, including service out of the relevant State or Territory and choice of forum; joinder of claims and parties, including group proceedings and the defence of prior adjudication as instances of the public interest in avoiding a multiplicity of proceedings and inconsistent verdicts; defining the questions for trial - pleadings, notices to admit and other devices; obtaining evidence - discovery of documents, interrogatories, subpoena and other devices; disposition without trial, including the compromise of litigation; extra-judicial determination of issues arising in the course of litigation; judgment; appeal; enforcement; alternative dispute resolution; and obligations of parties and practitioners relating to the resolution of disputes. This unit meets the LPAB requirements for civil dispute resolution.

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-requisite: 48 credit points of law

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. **Written Assessment**

Weighting: 35%

2. **Practical Assessment**

Weighting: 35%

3. **Online Quiz(zes)**

Weighting: 30%

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 External Benchmarking Review

Feedback

Improve the rubrics to clarify student expectations.

Recommendation

Rubrics will be redrafted to improve clarity.

Feedback from Have you say surveys

Feedback

The extent of feedback provided to students needs to be improved.

Recommendation

Pre-calibration marking will be extended and detailed answer guides provided to markers to ensure sufficient feedback is being provided.

Feedback from External Benchmarking Review

Feedback

Additional scaffolding is required for major assessments.

Recommendation

Additional scaffolding will be provided to assist students in understanding the complex authentic assessment tasks.

Unit Learning Outcomes

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

1. Comprehend and critically examine the court adjudication process under the adversarial system in Australia in comparison with the Civil Law inquisitorial system
2. Articulate and apply Supreme Court civil procedure, referencing legislation, rules, practice directions and court forms
3. Research and draft appropriate pleadings for a hypothetical fact situation
4. Apply civil procedure knowledge in a clinical setting.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Written Assessment - 35%		•	•	
2 - Practical Assessment - 35%		•		•
3 - Online Quiz(zes) - 30%	•	•		

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 - 35%	•	•	•	•						
2 - Practical Assessment - 35%	•	•	•							
3 - Online Quiz(zes) - 30%		•	•							

Textbooks and Resources

Textbooks

LAWS13017

Prescribed

Civil Procedure Commentary and Materials

Edition: 8th (2022)

Authors: Colbran and Spender

LexisNexis

Sydney , Queensland , Australia

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)
- Google Docs

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

Andrea Turner Unit Coordinator

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Schedule

Week 1 Court adjudication, Case management and ADR - 11 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Court adjudication, Case management and ADR	1, 2, 3	Tutorial problems 1-3

Week 2 Jurisdiction and Limitation of Actions - 18 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Jurisdiction and Limitation of Actions	4, 6	Tutorial problems 4, 5

Week 3 Instituting proceedings and Notice of Intention to Defend - 25 Jul 2022

Module/Topic	Chapter	Events and Submissions/Topic
Instituting proceedings and Notice of Intention to Defend	7, 8, 9	Tutorial problems 6-8

Week 4 Parties and Joinder, Non-compliance, Amendment and Time - 01 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
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Parties and Joinder, Non-compliance, Amendment and Time	5, 10 Supreme Court of Queensland Practice Direction No 2 of 2017 Representative Proceedings. Kylie Downes QC and Hamish Clift, "Queensland's new class action regime". 2017 May Proctor 28-29.	Tutorial problems 9, 10
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Week 5 Pleadings and Summary Disposition - 08 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
Pleadings and Summary Disposition	12, 13	Tutorial problems 11-17

Vacation Week - 15 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
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Week 6 Disclosure - 22 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
Disclosure	14	Tutorial problems 18, 19 Pleading assessment Due: Week 6 Monday (22 Aug 2022) 11:59 pm AEST

Week 7 Further means of obtaining evidence and Affidavits - 29 Aug 2022

Module/Topic	Chapter	Events and Submissions/Topic
Further means of obtaining evidence and Affidavits	15, 16	Tutorial problems 20-22

Week 8 Interlocutory procedures - 05 Sep 2022

Module/Topic	Chapter	Events and Submissions/Topic
Interlocutory procedures	17	Tutorial problems 23, 24

Week 9 Disposition without Trial - 12 Sep 2022

Module/Topic	Chapter	Events and Submissions/Topic
Disposition without Trial	18	Tutorial problems 25, 26

Week 10 Trial, Verdict and Judgment - 19 Sep 2022

Module/Topic	Chapter	Events and Submissions/Topic
Trial	19	Tutorial problems 27-29 Practical assessment Due: Week 10 Monday (19 Sept 2022) 11:59 pm AEST

Week 11 Appeal and New Trial - 26 Sep 2022

Module/Topic	Chapter	Events and Submissions/Topic
Appeal and New Trial	20	Tutorial problems 30-32

Week 12 Costs and Enforcement - 03 Oct 2022

Module/Topic	Chapter	Events and Submissions/Topic
Costs and Enforcement	17, 19	Tutorial problems 33-35

Review/Exam Week - 10 Oct 2022

Module/Topic	Chapter	Events and Submissions/Topic
		Online Quiz Due: Review/Exam Week Tuesday (11 Oct 2022) 11:59 pm AEST

Exam Week - 17 Oct 2022

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Pleading assessment

Assessment Type

Written Assessment

Task Description

This task will involve drafting pleadings, court documents and two short file notes. Detailed facts will be provided in week 2 of the unit.

Assessment Due Date

Week 6 Monday (22 Aug 2022) 11:59 pm AEST

Return Date to Students

Week 8 Friday (9 Sept 2022)

Weighting

35%

Assessment Criteria

Criteria	Above standard	Standard	Below standard
Identification of correct parties	All parties identified.	Most parties identified.	Few parties identified.
Identification of service issues	Identification of all major issues.	Identification of most major issues.	Identification of some major issues.
Identification of issues associated with the initiating process	Identification of all major issues.	Identification of most major issues.	Identification of some major issues.
Identification of pleading and file note issues	Identification of all major issues.	Identification of most major issues.	Identification of some major issues.
Identification and use of correct form(s)	Use of correct form correctly filled in.	Use of the correct form, but not entirely correct.	Use of wrong forms or forms are grossly incomplete.
Clearly structured documents	Superbly structured documents.	Well-structured documents.	Poorly structured documents.
Pleading the facts not law	All facts correctly pleaded.	Most facts correctly pleaded.	Numerous errors in facts pleaded.
Plain English Drafting	No Plain English drafting errors.	Some Plain English drafting errors.	Numerous PlainEnglish drafting errors.
Spelling and Grammar	No spelling or grammatical issues.	Minor spelling or grammatical issues.	Numerous spelling or grammatical issues.
Concise drafting	Clear and concise written expression.	Some unclear or verbose written expression.	Numerous examples of unclear or verbose written expression.

Referencing Style

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

Submission

Online

Submission Instructions

Please ensure: you do not leave this assessment to the 'last minute', as it will require some research; you submit a single pdf file containing your assignment; name your pdf submission as follows: LAWS13017_Pleadng_Assessment.pdf. No consideration will be given to content which exceeds the 2000 word limit. The word count does not include any text contained in standard court forms.

Learning Outcomes Assessed

- Articulate and apply Supreme Court civil procedure, referencing legislation, rules, practice directions and court forms
- Research and draft appropriate pleadings for a hypothetical fact situation

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

2 Practical assessment

Assessment Type

Practical Assessment

Task Description

The 35% Practical Assessment for LAWS13017 Civil Procedure is a practical exercise. The exercise will involve you choosing one of the following options:

- Option 1 - Research article on strategies to enable self-litigants to conduct their own litigation.
- Option 2 - A law reform submission/proposal.
- Option 3 - Researching and reflecting on the law for an actual client matter you are able to source.
- Option 4 - Reflection on the Practice Direction - 4 of 2020, Case Flow Management - Civil Jurisdiction

Assessment Due Date

Week 10 Monday (19 Sept 2022) 11:59 pm AEST

Return Date to Students

Week 12 Friday (7 Oct 2022)

Weighting

35%

Assessment Criteria

Detailed rubrics for each assessment option are available on the Moodle site in the document entitled "Practical Assessment 2022 Instructions".

Referencing Style

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

Submission

Online

Submission Instructions

Your final version must be submitted as a single PDF using 'e-Submission'. No consideration will be given to content which exceeds the 2500 word limit. When uploading your file make sure that you adopt the following naming convention: "_LAWS13017_Practical_Assessment.pdf" eg 16789909_Bloggs_LAWS13017_Practical_Assessment.pdf.

Learning Outcomes Assessed

- Articulate and apply Supreme Court civil procedure, referencing legislation, rules, practice directions and court forms
- Apply civil procedure knowledge in a clinical setting.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking

3 Online Quiz

Assessment Type

Online Quiz(zes)

Task Description

The Quiz will be in multiple-choice format with 6 choices per question. Some questions have one correct answer, others will require multiple components to be selected to constitute a correct answer. Each question will indicate the number of responses required to constitute a correct answer. The quiz will be of a duration of 120 minutes and will have a total of 36 questions consisting of 3 questions from each week of the 12 week unit.

The Quiz will be available for 24 hours. Make sure you start and complete the 120 min quiz

within the 24 hour period. Once you start the quiz you must complete the quiz within 120 min. In the absence of an approved extension, there will be no opportunity to complete the task after this date and there will be no opportunity to apply a late penalty of five percent per day. You will receive a mark of zero for this assessment task.

You will receive a mark out of 30 ($\text{<your score>} \times 30/36$) representing 30% of your grade for this unit.

Number of Quizzes**Frequency of Quizzes**

Other

Assessment Due Date

Review/Exam Week Tuesday (11 Oct 2022) 11:59 pm AEST

Return Date to Students

Exam Week Friday (21 Oct 2022)

Automated return after the quiz expiry via the Moodle Gradebook.

Weighting

30%

Assessment Criteria

The quiz does not have an assessment rubric. The complex multi-choice questions are designed to test student knowledge across the entire unit as required by LPAB accreditation.

Referencing Style

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

Submission

Online

Learning Outcomes Assessed

- Comprehend and critically examine the court adjudication process under the adversarial system in Australia in comparison with the Civil Law inquisitorial system
- Articulate and apply Supreme Court civil procedure, referencing legislation, rules, practice directions and court forms

Graduate Attributes

- Problem Solving
- Critical Thinking

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