



# LAWS502

## Family Law

S1 Day 2017

*Dept of Law*

### Contents

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<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	2
<a href="#"><u>General Assessment Information</u></a>	3
<a href="#"><u>Assessment Tasks</u></a>	4
<a href="#"><u>Delivery and Resources</u></a>	11
<a href="#"><u>Unit Schedule</u></a>	11
<a href="#"><u>Policies and Procedures</u></a>	12
<a href="#"><u>Graduate Capabilities</u></a>	14

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

Archana Parashar

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W3A 618

Mondays 12-1 pm

Credit points

3

Prerequisites

(24cp in LAW or LAWS units) or (39cp at 100 level or above including LAWS260)

Corequisites

Co-badged status

Unit description

This unit covers the study of legal regulation of family relations. Although a great number of laws have a bearing on the 'family', this unit focuses on the Marriage Act 1961 (Cth) and the Family Law Act 1975 (Cth). The unit is divided into five main parts: the concept of family and its historical development; the concept of marriage as a heterosexual union; dissolution of marriage; financial relationships, especially when they breakdown; children and their rights under family law. An interdisciplinary approach to family law will enable students to analyse the interrelationship between the state, law and society.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

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

Describe and explain links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family policy and law.

Explain and analyse how multidisciplinary ideas about the family shape state family policies and laws and, in turn, how these policies and laws regulate family life.

Critically evaluate legal mechanisms relating to the resolution of family disputes,

including alternative dispute resolution mechanisms.

Critically evaluate legal principles (statute and case law) and consider the role of law reform in the area of Family Law in relation to inequality in society.

Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.

Conduct sophisticated independent research.

## General Assessment Information

### Internal Students

Task	Task Name	%	Due Date
1	Class Participation	10	Tutorials continuous
2	Research Essay (Submit through turnitin)	40	18th April 2017, 23.59
3	Take Home Assessment Task Issued at 9 am 8th June 2017 (Submit through turnitin)	50	10th June 2017, 23.59
	<b>Total:</b>	<b>100%</b>	

### Distance Students

Task	Task Name	%	Due Date
1	Class Participation	10	OCS
2	Research Essay (Submit through turnitin)	40	30th April 2017 23.59

3	Take Home Assessment Task Issued at 9 am 8th June 2017 (Submit through turnitin)	50	10th June 2017 23.59
<b>Total:</b>		<b>100%</b>	

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Participation</u>	10%	No	continuous, in tuts/OCS
<u>Research Essay</u>	40%	No	18th/30th April 2017 23.59
<u>Take Home Assessment Task</u>	50%	No	10th June 2017, 23.59

### Class Participation

Due: **continuous, in tuts/OCS**

Weighting: **10%**

Reading the prescribed materials and preparation of questions/readings for class discussions as per the Tutorial Guide during Tutorials (Internal Students) and OCS (External Students). The OCS will be held on 26th and 27th April 2017.

**Attendance** at 80% of tutorials for day students and at the OCS for distance students is compulsory. Class participation mark is an aggregate of attendance and participation.

### Assessment Criteria

Your work will be assessed according the extent of your:

**Excellent**

= HD-D

**Good**

= Credit

**Satisfactory**

= Pass

**Unsatisfactory = Fail**

Preparation for class: Demonstrated by relevance of participation to general discussion

Has the capacity to notice important information in the readings and use it to build new arguments in class discussion

Uses information in the readings to enhance learning in the class discussion

Notices basic contextual issues and asks questions

Fails to identify important information in readings and their relevance to discussion in class

On successful completion you will be able to:

- Describe and explain links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family policy and law.
- Explain and analyse how multidisciplinary ideas about the family shape state family policies and laws and, in turn, how these policies and laws regulate family life.
- Critically evaluate legal mechanisms relating to the resolution of family disputes, including alternative dispute resolution mechanisms.
- Critically evaluate legal principles (statute and case law) and consider the role of law reform in the area of Family Law in relation to inequality in society.
- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.

## Research Essay

Due: **18th/30th April 2017 23.59**

Weighting: **40%**

Research essay on a set topic based on Lectures 1-6 and related readings. The topic will be available on iLearn in the Assessment tab.

**The maximum word length is 2500 words.** The tutors will stop reading an assignment after it exceeds this word limit.

Footnotes and Bibliography are not included in the word count.

Footnotes and Bibliography are required in AGLC style. Referencing that does not follow the AGLC style will be **penalised**.

Research: Students may use the prescribed readings but are expected to research beyond these materials. Each person must determine for themselves how many additional references they need to support the development of their argument. The essay will not be assessed on how much research has been done, but on how well the research materials are used to advance the argument.

All assignments should be submitted through the turnitin icon on the ilearn page of this unit.

Assessment Criteria

**Your work will be assessed according the extent of your:**

**Excellent**

**= HD-D**

**Good**

**= Credit**

**Satisfactory**

**= Pass**

**Unsatisfactory**

**= Fail**

Understanding of the law in this area

Thorough and accurate understanding of rules, concepts and processes of law. Uses this knowledge to abstract principles and applies them in novel situations.

Thorough and accurate understanding of rules, concepts and processes of law.

Knows basic concepts and rules and can use them to solve problems

Knows a few

rules and concepts. Focussed introduction Uses the introduction to formulate a clear argument, identify parts of the argument, relevant issues and theories that will be addressed.

Can formulate an argument, and identify relevant issues

Basic introduction with all the formal elements

Formal introduction with not clear articulation of the argument or structure.

Coherent Structure and Written Expression – use of headings, systematic and coherent organization

Meets all expectations and conventions. Distinctive personal style in the specific execution of the task.

Fulfils standard conventions with all expected attributes present. Some translation and interpretation of the conventions to suit personal style.

Fulfils basic expectations regarding the formatting and presentation of work.

Lacks a coherent structure of argument, organization of ideas into different sections

Depth of Analysis - Students may be able to deepen their analysis of the materials by critiquing the ideas about the family that they will use to develop their argument

Uses principles to formulate a position or an argument about the literature.

Recognises competing explanations. Mostly reports others' views without assessing them.

Descriptive account of the available literature without any or very little analysis.

Developed and Sustained Argument – synthesis of the ideas drawn from the unit materials in a systematic and coherent structure

Uses available ideas and theories accurately. Abstracts and applies them in novel situations.

Shows a thorough and accurate understanding of concepts and processes.

Knows basic concepts and rules. Requires more effort in synthesizing own arguments.

Knows some of the ideas and rules.

Consistent Conclusion

Makes a major contribution to the essay by pulling together all strands of the argument.

Makes a significant contribution to the structure of the essay.

Competent summary of the main arguments

Repetitious reiteration of points already discussed

Use of AGLC Style Guide for footnotes and bibliography

References and citations, including the bibliography use accurate, consistent and appropriate

styles.

References and citations, including the bibliography are accurate, consistent and appropriate.

References and citations are basically accurate in style. Occasional lack of consistency; reasonable acknowledgment of the sources of information

Absence or inaccurate use of referencing and citation conventions

On successful completion you will be able to:

- Describe and explain links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family policy and law.
- Explain and analyse how multidisciplinary ideas about the family shape state family policies and laws and, in turn, how these policies and laws regulate family life.
- Critically evaluate legal mechanisms relating to the resolution of family disputes, including alternative dispute resolution mechanisms.
- Critically evaluate legal principles (statute and case law) and consider the role of law reform in the area of Family Law in relation to inequality in society.
- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.
- Conduct sophisticated independent research.

## Take Home Assessment Task

Due: **10th June 2017, 23.59**

Weighting: **50%**

**Take Home Assessment Task Topic** will be posted on iLearn page of the unit on 8th June 2017 at 9 am.

Word length: Maximum of 3000 words **excluding** footnotes and bibliography. Tutors will stop reading an assignment after the specified word limit.

Footnotes and Bibliography are required in AGLC style. Referencing that does not follow the AGLC style will be **penalised**.

All assignments should be submitted through Turnitin link provided on the unit's iLearn page

Assessment Criteria

**Your work will be assessed according to the extent of your:**



**Excellent**

= HD-D

**Good**

= Credit

**Satisfactory**

= Pass

**Unsatisfactory**

= Fail

Knowledge of the law and understanding of the issues arising in your area of research.

Thorough and accurate understanding of rules, concepts and processes of law. Uses this knowledge to abstract principles and applies them in novel situations.

Thorough and accurate understanding of rules, concepts and processes of law.

Knows basic concepts and rules

Knows a few Rules and concepts.

Introduction:

Uses the introduction to formulate a clear argument, identify parts of the argument, relevant issues and theories that will be addressed.

Can formulate an argument, and identify relevant issues .

Basic introduction that contains all the formal elements

Formal introduction without explaining the structure of the essay.

Depth of analysis:

Uses principles to formulate a position or an argument about the literature.

Recognises competing explanations and can defend their own view or position.

Mostly reports others' views without assessing them.

Descriptive account of the available literature

Argument:

Uses available ideas and theories accurately. Abstracts and applies them in novel situations.

Shows a thorough and accurate understanding of concepts and processes.

Knows basic concepts and rules.

Knows some of the ideas and rules.

Coherent Structure: Separate Introduction and Conclusion

Meets all expectations and conventions. Distinctive personal style in the specific execution of the task.

Fulfils standard conventions with all expected attributes present.

Fulfils basic expectations regarding the formatting and presentation of work.

Lacks a coherent structure of argument, organization of ideas into different sections.

Use of AGLC Style Guide for footnotes and bibliography

References and citations, including the bibliography use accurate, consistent and appropriate styles.

References and citations, including the bibliography are accurate, consistent and appropriate.

References and citations are basically accurate in style. Occasional lack of consistency

Absence or inaccurate use of referencing and citation conventions.

On successful completion you will be able to:

- Describe and explain links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family policy and law.
- Explain and analyse how multidisciplinary ideas about the family shape state family policies and laws and, in turn, how these policies and laws regulate family life.
- Critically evaluate legal mechanisms relating to the resolution of family disputes,

including alternative dispute resolution mechanisms.

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- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.

## Delivery and Resources

### Delivery:

The unit is structured around a two hour lecture each week and one hour tutorial for the day students. For the distance students 12 prerecorded lectures will be available through the iLearn page of the unit and students must attend a two day compulsory on campus session.

**Attendance** at 80% of tutorials for day students and at the OCS for distance students is compulsory.

Lectures and Tutorials commence in Week One of the semester. Lectures will be recorded and available through echo360 on iLearn.

Students will be required to use a computer to interact with online research databases and web based research tools.

Students should check iLearn regularly for announcements and updates.

### Resources:

The Unit is structured around the text:

Archana Parashar and Francesca Dominello *The Family in Law* (Cambridge University Press 2017).

The iLearn page of the unit will provide the list of readings for each week. These will include relevant chapters from this book and other selected and edited readings. These readings are available electronically through the the library. Occasionally Readings will be available on the unit's iLearn page.

Students will need access to a computer that gives them access to the internet and they can use for word processing.

## Unit Schedule

Week 1	Studying Family Law - Concepts
Week 2	The Family Law and its Institutions - history and institutions
Week 3	Marriage and Marriage like Relationships

Week 4	Divorce & Violence
Week 5	Financial Relations
Week 6	Spousal Maintenance
Week 7	Private Ordering in Property Proceedings
Week 8	Child Related Disputes
Week 9	Children in Court Proceedings
Week 10	Child Maintenance and support
Week 11	Dependency and the law - social welfare support
Week 12	Children and Family Formation - adoption, surrogacy, IVF
Week 13	Consolidation of all topics in the Unit

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html)

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.html)

Disruption to Studies Policy (in effect until Dec 4th, 2017): [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html)

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](#).

## Following is the Macquarie Law School policy on assessment details

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](#) and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](#)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

#### Learning outcomes

- Explain and analyse how multidisciplinary ideas about the family shape state family policies and laws and, in turn, how these policies and laws regulate family life.
- Critically evaluate legal principles (statute and case law) and consider the role of law reform in the area of Family Law in relation to inequality in society.
- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.
- Conduct sophisticated independent research.

#### Assessment tasks

- Class Participation
- Research Essay
- Take Home Assessment Task

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Learning outcome

- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.

#### Assessment tasks

- Class Participation
- Research Essay

- Take Home Assessment Task

## Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

### Learning outcome

- Conduct sophisticated independent research.

### Assessment task

- Take Home Assessment Task

## Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

### Learning outcomes

- Describe and explain links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family policy and law.
- Explain and analyse how multidisciplinary ideas about the family shape state family policies and laws and, in turn, how these policies and laws regulate family life.
- Critically evaluate legal mechanisms relating to the resolution of family disputes, including alternative dispute resolution mechanisms.
- Critically evaluate legal principles (statute and case law) and consider the role of law reform in the area of Family Law in relation to inequality in society.
- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.
- Conduct sophisticated independent research.

## Assessment tasks

- Class Participation
- Research Essay
- Take Home Assessment Task

## Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## Learning outcomes

- Describe and explain links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family policy and law.
- Explain and analyse how multidisciplinary ideas about the family shape state family policies and laws and, in turn, how these policies and laws regulate family life.
- Critically evaluate legal mechanisms relating to the resolution of family disputes, including alternative dispute resolution mechanisms.
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- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.
- Conduct sophisticated independent research.

## Assessment tasks

- Class Participation
- Research Essay
- Take Home Assessment Task

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:



## Learning outcomes

- Describe and explain links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family policy and law.
- Explain and analyse how multidisciplinary ideas about the family shape state family policies and laws and, in turn, how these policies and laws regulate family life.
- Critically evaluate legal mechanisms relating to the resolution of family disputes, including alternative dispute resolution mechanisms.
- Critically evaluate legal principles (statute and case law) and consider the role of law reform in the area of Family Law in relation to inequality in society.
- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.
- Conduct sophisticated independent research.

## Assessment tasks

- Class Participation
- Research Essay
- Take Home Assessment Task

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

## Learning outcomes

- Describe and explain links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family policy and law.
- Explain and analyse how multidisciplinary ideas about the family shape state family policies and laws and, in turn, how these policies and laws regulate family life.
- Critically evaluate legal mechanisms relating to the resolution of family disputes, including alternative dispute resolution mechanisms.
- Critically evaluate legal principles (statute and case law) and consider the role of law reform in the area of Family Law in relation to inequality in society.
- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.

- Conduct sophisticated independent research.

### Assessment tasks

- Class Participation
- Research Essay
- Take Home Assessment Task

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

### Learning outcome

- Conduct sophisticated independent research.

### Assessment task

- Take Home Assessment Task

## Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

### Learning outcomes

- Communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.
- Conduct sophisticated independent research.

### Assessment tasks

- Class Participation
- Research Essay
- Take Home Assessment Task