LAWS5020

Family Law

Session 1, Special circumstances 2021

Macquarie Law School

Contents

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Notice

As part of Phase 3 of our return to campus plan, most units will now run tutorials, seminars and other small group activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face activities for your unit, please go to timetable viewer. To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff
Convenor
Francesca Dominello
francesca.dominello@mq.edu.au
Contact via iLearn
6 First Walk, 619
Friday, 5pm during teaching weeks

Credit points
10

Prerequisites
(130cp in LAW or LAWS units) or (130cp including LAWS260 or LAWS2060 or GEND2000 or GEN210)

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; 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:

ULO1: describe and explain links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family policy and law.

ULO2: 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.

ULO3: critically evaluate legal mechanisms relating to the resolution of family disputes, including alternative dispute resolution mechanisms.

ULO4: 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.

ULO5: communicate arguments related to the area of Family Law effectively in written and verbal form appropriate to a range of audiences.

General Assessment Information

Class Participation

Note the different requirements for students attending weekly and for students attending infrequently.

Weekday Students

Due: Weeks 3-5 (covering Lectures 2-4) and 7-13 (covering Lectures 6-12)

Weighting: 20%

Preparation: Reading the prescribed materials and preparing for class discussions as per the weekly tutorial questions available on iLearn.

Attendance: Tutorials begin in Week 2 and end in Week 13. Students will be on-call and will be assessed for participation in the tutorials to which they are allocated. More details and allocations will be available on iLearn. As there is a public holiday on Good Friday 2 April 2021 class participation will not be assessed that week (week 6). Students who miss a tutorial and meet the Special Consideration policy should apply for special consideration through Ask.mq.edu.au. If your circumstances meet the policy it is advisable that you apply for special consideration for every tutorial you miss. If a student misses a tutorial/s due to special consideration they should contact the unit convenor and other arrangements will be made to make up for the missed tutorials.

Assessment: A detailed rubric on how class participation will be assessed will be available on iLearn.

Infrequent Attendance Students

Due: There will be 6 hours of online classes on 8 April, 2021 covering the tutorial questions for Lectures 1-6. A schedule with start and finish times will be posted on iLearn. Then in Weeks 8-13 there will be a weekly online tutorial on Thursday, 5pm covering Lectures 7-12.

Weighting: 20%

Preparation: Reading the prescribed materials and preparing for class discussions as per the weekly tutorial questions available on iLearn.

Attendance: Students are to attend the tutorials on 8 April, 2021 and the weekly tutorials on

Thursday, 5pm from Weeks 8-13. Students will be on-call and will be assessed for participation in the tutorials to which they are allocated. More details and allocations will be available on iLearn. Students who miss a tutorial and meet the Special Consideration policy should apply for special consideration through Ask.mq.edu.au. If your circumstances meet the policy it is advisable that you apply for special consideration for every tutorial you miss. If a student misses a tutorial/s due to special consideration they should contact the unit convenor and other arrangements will be made to make up for the missed tutorials.

Assessment: A detailed rubric on how class participation will be assessed will be available on iLearn.

Research Essay 1

Due: 14 April, 6pm

Weighting: 40%

Research essay on a set topic based on Lectures 1-6 and related readings in the prescribed text. The topic will be available on iLearn in the Assessment tab in Week 2.

The maximum word length is 2000 words. The word limit will be strictly applied and work above the word limit will not be marked.

Footnotes and Bibliography are not included in the word count.

Footnotes and Bibliography are required in AGLC4 style.

The essay should be double spaced in 12 pt Times New Roman. The footnotes can be in 10 pt Times New Roman. The bibliography can be single spaced with a space in between each reference.

Research: Students may use the prescribed readings but are expected to research beyond these materials. Each student 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.

Assessment: Further instructions on how to complete the assignment and how it will be assessed will be available on iLearn.

Note the Special Consideration policy on submission of written assignments:

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline.

Research Essay 2

Due: 5 June, 6pm

Weighting: 40%

Research essay on a set topic based on Lectures 7-12 and related readings in the prescribed

text. The topic will be available on iLearn in the mid-semester break

The maximum word length is 2000 words. The word limit will be strictly applied and work above the word limit will not be marked.

Footnotes and Bibliography are not included in the word count.

Footnotes and Bibliography are required in AGLC4 style.

The essay should be double spaced in 12 pt Times New Roman. The footnotes can be in 10 pt Times New Roman. The bibliography can be single spaced with a space in between each reference.

Research: Students may use the prescribed readings but are expected to research beyond these materials. Each student 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.

Assessment: Further instructions on how to complete the assignment and how it will be assessed will be available on iLearn.

Note the Special Consideration policy on submission of written assignments:

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline.

Submission

The written essays are to be submitted electronically by way of Turnitin on the iLearn page. Plagiarism detection software is used in this unit.

Word Limits

Where there is a specified word limit it will be strictly applied and work above the word limit will not be assessed.

Moderation

Detailed marking rubrics will be made available on iLearn. If there are other markers assisting the convenor then a process of 'blind marking' to establish a common marking standard will be adopted and all Fail papers will be double marked**.**

Style

The research essays should comply with the latest edition of the AGLC.

Assessment Tasks

Name	Weighting	Hurdle	Due
Research Essay 2	40%	No	14/04/21, 6pm
In-class discussion and activities	20%	No	During tutorials
Research Essay 1	40%	No	05/06/21, 6pm

Research Essay 2

Assessment Type [1]: Essay
Indicative Time on Task [2]: 45 hours
Due: **14/04/21, 6pm**
Weighting: **40%**

A research essay on a topic related to family law

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.

In-class discussion and activities

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 24 hours
Due: **During tutorials**
Weighting: **20%**

In class discussion, debate, collaboration and writing activities

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 1

Assessment Type [1]: Essay
Indicative Time on Task [2]: 45 hours
Due: **05/06/21, 6pm**
Weighting: **40%**

A research essay based on a topic on Family law.

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.

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[1] If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the Writing Centre for academic skills support.

[2] Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

Delivery and Resources

Delivery:

The learning activities in this unit include listening to 12 x 2 hour lectures and attending 12 hours of tutorials whether weekly in or block depending on your enrolment.

Lectures commence in Week 1 of the semester. Tutorials commence in Week 2 for weekday students.

The location and times for the lectures and tutorials can be found at https://timetables.mq.edu.au/2021/

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.

The unit uses an ilearn website. 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).

Tutorial questions and additional readings will also be on iLearn.

Unit Schedule

Unit Schedule

 This is the schedule for lectures in the unit. Note that the lectures commence in Week 1; the tutorials in Week 2.

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 - abortion, child protection, adoption, surrogacy, IVF

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://policies.mq.edu.au). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy
- Fitness to Practice Procedure
- Grade Appeal Policy
- Complaint Management Procedure for Students and Members of the Public
- Special Consideration Policy

Students seeking more policy resources can visit Student Policies (https://students.mq.edu.au/support/study/policies). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

To find other policies relating to Teaching and Learning, visit Policy Central (https://policies.mq.edu.au) and use the search tool.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/admin/other-resources/student-conduct

Results

Results published on platform other than eStudent, (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

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) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- Getting help with your assignment
- Workshops
- StudyWise
- Academic Integrity Module

The Library provides online and face to face support to help you find and use relevant information resources.

- Subject and Research Guides
- Ask a Librarian

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

If you are a Global MBA student contact globalmba.support@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/.

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.