



LAWS5020

Family Law

Session 1, In person-scheduled-weekday, North Ryde 2023

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	5
<u>Delivery and Resources</u>	7
<u>Unit Schedule</u>	8
<u>Policies and Procedures</u>	9
<u>Changes since First Published</u>	11

Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Convenor

Francesca Dominello

francesca.dominello@mq.edu.au

Contact via Privately on iLearn

6 First Walk, 619

Monday 10am

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

Participatory Tasks

All Students

Due: Weekly

Weighting: 20%

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

Attendance: Lectures will be pre-recorded weekly, starting in Week 1. 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. Attendance is compulsory for students when they are on-call. On-call allocations will be posted on iLearn. As there is a public holiday on Anzac Day, 25 April 2022, class participation will not be assessed that week (week 8). If a student misses a tutorial when they are on-call and they meet the Special Consideration policy, they should apply for special consideration through Ask.mq.edu.au. If their special consideration application is approved, they will be required to meet with the unit convenor during her consultation time on zoom.

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

Research Essay 1

Due: 14 April, 11:55pm

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.

Research Essay 2

Due: 3 June, 11:55pm

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

General instructions for both essays:

Word Length:

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

Format:

Footnotes and Bibliography are required for both essays but will not be included in the word count.

The body of the essays and all the footnotes and bibliographies are required in AGLC4 style.

The essays 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 for both essays:

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.

Rubrics: Further instructions on how to complete the essays and how they will be assessed will be available on iLearn.

Special Consideration:

All applications for special consideration must be made through Ask. Please refer to the University policy on special consideration on how to apply.

Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, **a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted**, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). **Late submission of time sensitive tasks** (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) **will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.**

Note the first paragraph applies to the essays, and the second paragraph applies to the participatory tasks.

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. Please submit in **Word format** and not in PDF.

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.

Assessment Tasks

Name	Weighting	Hurdle	Due
In-class discussion and activities	20%	No	when on-call
Research Essay 2	40%	No	14/04/2023
Research Essay 1	40%	No	03/06/2023

In-class discussion and activities

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 24 hours

Due: **when on-call**

Weighting: **20%**

In class discussion, debate, collaboration and other 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 2

Assessment Type ¹: Essay

Indicative Time on Task ²: 45 hours

Due: **14/04/2023**

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.

Research Essay 1

Assessment Type ¹: Essay

Indicative Time on Task ²: 45 hours

Due: **03/06/2023**

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.

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:

The learning activities in this unit include listening to 12 x 2 hour lectures and attending 12 hours of weekly tutorials.

Lectures commence in Week 1 of the semester. Tutorials commence in Week 2.

The lectures will be recorded at the start of each week prior to the scheduled tutorials and posted to echo360 on the iLearn page. The location for the in-person tutorials can be found at <https://timetables.mq.edu.au/2023/> and the links for the online tutorials will be available 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.

Please note that students can get a 50% discount on the book if they purchase it directly from Cambridge University Press. Here are instructions on how to purchase the book.

Book details:

The Family in Law

Archana Parashar, Macquarie University

Francesca Dominello, Macquarie University

Published: April 2017

Format: Paperback and eBook

ISBN: 9781107561793

[Purchase directly:](#)

Students who choose to purchase the print textbook **directly from Cambridge University Press** will receive a 50% discount with free shipping. The discount only applies to print copies purchased from Cambridge University Press.

Please use the promotion code **MACUNI50** at the checkout (see checkout details below).

How to use a discount code

1. Go to the product page on the website, [you can do that here.](#)
2. Add your book to cart and select 'checkout' on the pop-up box, you will be taken to the checkout screen.
3. Copy and paste or type the discount code bolded above into the 'Apply a Promo code' box.
4. Click 'Apply' and ensure the correct discounted price is now displayed in your cart.
5. If everything is correct, click 'Proceed to Payment'.

Purchase an eBook (note the 50% discount does not apply):

An eBook version of this textbook can be purchased via the following retailers.

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Purchase a print copy (note the 50% discount does not apply):

A print copy of this textbook can also be purchased via the following retailers.

[Amazon AU](#)

[Booktopia](#)

[Dymocks](#)

Unit Schedule

This is the schedule for lectures in the unit. Note that the lectures commence in Week 1 and the tutorials are in the week following the lecture. For eg., The tutorial for the Week 1 lecture is in Week 2 and so on.

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 \(https://policies.mq.edu.au\)](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](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/support/study/policies\)](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 \(https://policies.mq.edu.au\)](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

Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

Student Support

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

The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study

- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

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.

Changes since First Published

Date	Description
14/02/2023	I changed the requirements for what is to happen if a student misses a class participatory task due to special consideration. Instead of submitting written work in lieu, I am asking them to meet me during my consultation time via zoom.