



# LAWS8022

## Family Law

Session 1, In person-scheduled-weekday, North Ryde 2024

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Esther Erlings

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Credit points

10

Prerequisites

Admission to LLM or (Admission to JD and LAWS600 or LAWS8001)

Corequisites

Co-badged status

Unit description

Family law is about the legal formation of family relationships, the resolution of family disputes and the influence of public policy on family affairs. The course covers both parenting and relationship property issues. The focus of the course is on the doctrine, theory and practice of family law in Australia. Family law is a major area of legal practice that impacts individuals, families and society. A key outcome of this course is the appreciation of the challenges that arise for married and de facto couples, parents and children in family law disputes. The course examines the theory of family law in the context of sociology, history, philosophy and politics. The role of public policy in shaping the development of family law is also considered.

## 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:** Critically analyse the legal doctrines and principles of family law.

**ULO2:** Critically evaluate the role of public policy in shaping the development of family law.

**ULO3:** Critically analyse the theory of family law in the context of sociology, history, philosophy and politics.

## General Assessment Information

All assessments are submitted electronically via the relevant submission box on iLearn.

Students should carefully check that they submit the correct file for an assessment as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

Marking of all assessments is moderated and involves the use of marking rubrics.

### Integrity

Turnitin plagiarism detection software is used to check all written assessments. The use of generative AI such as ChatGPT, Quillbot etc. is NOT allowed. Students are only allowed to use the writing resources suggested by the Macquarie Writing Centre (<https://students.mq.edu.au/support/study/writing>), even if these resources (eg suggested writing tools) use aspects of AI.

### Word count and style

Word limits are strictly applied. Work above the word limit will NOT be marked. Note that headings and substantive text in footnotes, including quotes from judgments or legislative provisions, counts towards the word count. Work that falls below the word count does not attract a penalty, but students are advised that work below the word count (with a 2-5% range) is likely falling short on in-depth analysis and other aspects of the rubric or instructions.

Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the Australian Guide to Legal Citation 4th edition ([https://law.unimelb.edu.au/\\_data/assets/pdf\\_file/0005/3181325/AGLC4-with-Bookmarks-1.pdf](https://law.unimelb.edu.au/_data/assets/pdf_file/0005/3181325/AGLC4-with-Bookmarks-1.pdf)).

### Late penalty policy

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark for the assignment) will be applied each day a written assignment 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 of which they have notified the unit convenor.

The above-mentioned late penalty will only apply to non-time-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 via a Special Consideration application. Special Consideration outcomes may result in a new question or topic.

### Special Consideration

Students should submit applications for Special Consideration electronically via [ask.mq.edu.au](https://ask.mq.edu.au), along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration policy (link provided under 'Policies and Procedures' below).

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Essay</a>	50%	No	02/06/2024

Name	Weighting	Hurdle	Due
<a href="#">Class Participation</a>	20%	No	Throughout semester up until 02/06/2024 (end week 13)
<a href="#">Family Law Report</a>	30%	No	14/04/2024

## Essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 15 hours

Due: **02/06/2024**

Weighting: **50%**

Students will write an essay on family law issues.

On successful completion you will be able to:

- Critically analyse the legal doctrines and principles of family law.
- Critically evaluate the role of public policy in shaping the development of family law.
- Critically analyse the theory of family law in the context of sociology, history, philosophy and politics.

## Class Participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **Throughout semester up until 02/06/2024 (end week 13)**

Weighting: **20%**

Students will contribute to class discussion through a range of oral and online activities.

On successful completion you will be able to:

- Critically analyse the legal doctrines and principles of family law.
- Critically evaluate the role of public policy in shaping the development of family law.
- Critically analyse the theory of family law in the context of sociology, history, philosophy and politics.

# Family Law Report

Assessment Type <sup>1</sup>: Report

Indicative Time on Task <sup>2</sup>: 15 hours

Due: **14/04/2024**

Weighting: **30%**

Students will prepare a report on an aspect of family law.

On successful completion you will be able to:

- Critically analyse the legal doctrines and principles of family law.
- Critically evaluate the role of public policy in shaping the development of family law.
- Critically analyse the theory of family law in the context of sociology, history, philosophy and politics.

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<sup>1</sup> 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.

<sup>2</sup> 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

### Unit Delivery

The unit has weekly online lectures from weeks 1 to 12. All lectures are delivered by Dr Francesca Dominello. Lectures are pre-recorded and will be made available on iLearn.

The delivery of tutorials depends on whether a student is an external (online) or internal (face-to-face) student: online tutorials take place fortnightly for 2 hours each (starting in week 2 of the semester through to week 12). Face-to-face tutorials take place on a weekly basis for one hour each (starting in week 1 through to week 12).

### Resources

The required text is:

- Alexandra Harland et al, Family Law Principles (Thomson Reuters, 3<sup>rd</sup> ed, 2021).

Students are expected to purchase this book. Whilst it is also available via the library, it is important to note that only three students at a time can access the online library edition.

Additional readings will be accessible through iLearn in the weekly modules and/or Leganto.

Students require access to a computer, internet with decent speed and a secure/reliable server. During online tutorials students are expected to turn on their cameras and have the ability to communicate via a working microphone.

Further resources, as well as detailed assessment information will be available through iLearn.

## Unit Schedule

The following is a tentative Schedule, and may be subject to change:

1. Studying Family Law - Concepts
2. The Family Law and its Institutions
3. Marriage and Marriage-Like Relationships
4. Divorce and Violence
5. Financial Relations
6. Spousal Maintenance
7. Private Ordering in Property Proceedings
8. Child Related Disputes
9. Children in Court Proceedings
10. Child Maintenance and Support
11. Dependency and the Law: Social Welfare
12. Children and Family Formation

## 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](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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.

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Unit information based on version 2024.01 of the [Handbook](#)