



LAWS502

Family Law

S1 Day 2019

Macquarie Law School

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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

Unit Convenor

Francesca Dominello

francesca.dominello@mq.edu.au

Contact via francesca.dominello@mq.edu.au

6 First Walk, 619

Monday 10-11am

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 |
| 2 | Research Essay (Submit through Turnitin) | 45 | 18 April, 6pm |
| 3 | Short Answer Questions (Submit through Turnitin) | 45 | Opens at 9 am 7 June; closes 9 pm 8 June |
| | | | |
| | Total: | 100% | |

Distance Students

| Task | Task Name | % | Due Date |
|------|---|----|--|
| 1 | Class Participation | 10 | OCS |
| 2 | Research Essay (Submit through Turnitin) | 45 | 3 May; 6pm |
| 3 | Short Answer Questions (Submit through Turnitin) | 45 | Opens at 9 am 7 June; closes 9 pm 8 June |

| | | | |
|--|---------------|-------------|--|
| | | | |
| | Total: | 100% | |

Special Consideration

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. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

Submission

The written assignments 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 essay should comply with the latest edition of the AGLC. The preferred style for the Short Answer Questions in the AGLC, but in-text references will also be accepted.

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|-------------------------------|-----------|--------|-------------------------|
| <u>Class Participation</u> | 10% | No | continuous, in tuts/OCS |
| <u>Research Essay</u> | 45% | No | 18 April; 3 May; 6pm |
| <u>Short Answer Questions</u> | 45% | No | 8 June 2019 |

Class Participation

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

Weighting: **10%**

Reading the prescribed materials and preparing for class discussions as per the Tutorial Guide available on iLearn during Tutorials (Internal Students) and the On-campus Session

(OCS) (External Students). The OCS will be held on 23 and 24 April 2019.

Attendance: For Internal students attendance at 10 of the 12 tutorials is compulsory. In other words, you can miss up to 2 tutorials without any marks being deducted. 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 more than 2 tutorials due to special consideration they should contact the unit convenor and other arrangements will be made to make up for the missed tutorials.

For External students attendance at the OCS is compulsory. Students should apply for special consideration if their circumstances meet the policy. If they miss one or both days of the OCS due to special consideration they should contact the unit convenor and other arrangements will be made.

Class participation mark is an aggregate of attendance and participation. A mark out of 5 will be given to students mid-semester and a final mark out of 5 at the end of semester.

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

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- 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: **18 April; 3 May; 6pm**

Weighting: **45%**

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 essay is due on 18 April for Internal students and 3 May for External students. All essays are due at 6pm on each respective day.

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 AGLC style. Referencing that does not follow the AGLC style will be **penalised**.

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.

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

Note the new 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.

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

On successful completion you will be able to:

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- Conduct sophisticated independent research.

Short Answer Questions

Due: **8 June 2019**

Weighting: **45%**

Students are required to complete 5 **Short Essay Questions** based on Lectures 7-12 and related readings in the prescribed text. No additional research will be required.

Students will have from 9am Friday 7 June to 9pm on Saturday 8 June to complete their answers.

The assessment should be able to be completed in 6 hours.

Each answer should be 500 words max. The word limit will be strictly applied and work above the word limit will not be marked.

All assignments are to be uploaded to Turnitin.

Students will be expected to include footnotes. AGLC is preferred but in-text referencing (eg Parashar and Dominello 2017, p. 107) will also be accepted. No bibliography will be required.

Your answers 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.

Note the new Special Consideration policy for timed assessments:

No late submissions will be accepted for timed assessments – e.g. quizzes, online tests in the absence of a successful application for special consideration.

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

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.
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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 10 of the tutorials for day students and at the OCS for distance students is compulsory.

Lectures commence in Week 1 of the semester. Tutorials commence in Week 2. Lectures will be recorded and available through echo360 on iLearn.

For current updates, lecture times and classrooms please consult the MQ Timetables website:
<http://www.timetables.mq.edu.au>.

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).

This text is available for purchase from the Co-op bookshop.

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://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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 <https://students.mq.edu.au/support/>

Learning Skills

Learning Skills (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

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.

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

- Short Answer Questions

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
- Short Answer Questions

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

- Research Essay

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.
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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
- Short Answer Questions

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
- Short Answer Questions

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.
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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
- Short Answer Questions

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.
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- Conduct sophisticated independent research.

Assessment tasks

- Class Participation
- Research Essay
- Short Answer Questions

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 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 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
- Short Answer Questions

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 outcome

- Conduct sophisticated independent research.

Assessment task

- Research Essay

Changes from Previous Offering

The weightings for the written assessments have changed, The take home assessment that had previously been set has been replaced by an online quiz.

Changes since First Published

| Date | Description |
|------------|--|
| 23/05/2019 | Time for final assessment extended to accommodate students with multiple assessments due on the same date. |