



LAWS822

Family Law

S1 Day 2019

Macquarie Law School

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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

4

Prerequisites

16cp in LAW or LAWS units at 800 level or above

Corequisites

Co-badged status

Unit description

In this unit students undertake a detailed study of key Family Law provisions and cases and analyse the law within an interdisciplinary theoretical framework. This approach of developing doctrinal analysis within a theoretical framework challenges the conventional boundaries of family law as found in the main texts on family law in Australia. It will enable students to critically examine the understanding of familial relations and their place in society which underpin the law. In addition to understanding the laws related to different aspects of family this unit is designed to enable students to assess what is the function of family law and what changes, if any, are needed.

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:

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

Reflect and analyse how multidisciplinary ideas about the family shape family laws and critically analyse how these policies and laws regulate family life.

Critically evaluate the conception of family law as a means of dispute resolution and judge the implications of the move towards alternative dispute resolution mechanisms. Understand legal principles of Family Law (statute and case law) and critically evaluate the role of law reform in the area of Family Law in relation to gender and racial inequalities 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 in theoretical and doctrinal knowledge relevant to family issues.

General Assessment Information

All Students

Task	Task Name	%	Due Date
1	Class Participation	10	OCS
2	Research Essay (Submit through Turnitin)	45	23 April; 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

All 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. AGLC is the preferred style for the Short Answer Questions, but in-text references will also be accepted. .

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class Participation</u>	10%	No	Block/OCS
<u>Research Essay</u>	45%	No	23 April; 6pm
<u>Short Answer Questions</u>	45%	No	8 June 2019

Class Participation

Due: **Block/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 Block/OCS will be held on 13 and 14 April 2019.

Attendance at the Block/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.

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

On successful completion you will be able to:

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- Reflect and analyse how multidisciplinary ideas about the family shape family laws and critically analyse how these policies and laws regulate family life.
- Critically evaluate the conception of family law as a means of dispute resolution and judge the implications of the move towards alternative dispute resolution mechanisms.
- Understand legal principles of Family Law (statute and case law) and critically evaluate the role of law reform in the area of Family Law in relation to gender and racial

inequalities 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: **23 April; 6pm**

Weighting: **45%**

Research essay. Students are to formulate their own essay question based on Lectures 1-6 and related readings.

The essay is due on 23 April for all students.

The maximum word length is 3000 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 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 an argument.

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

Note the new Special Consideration policy for written assessments:

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.

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- Critically evaluate the conception of family law as a means of dispute resolution and judge the implications of the move towards alternative dispute resolution mechanisms.
- Understand legal principles of Family Law (statute and case law) and critically evaluate the role of law reform in the area of Family Law in relation to gender and racial inequalities 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 in theoretical and doctrinal knowledge relevant to family issues.

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 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:

- Explain and evaluate links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family law and policy.
- Reflect and analyse how multidisciplinary ideas about the family shape family laws and critically analyse how these policies and laws regulate family life.

- Understand legal principles of Family Law (statute and case law) and critically evaluate the role of law reform in the area of Family Law in relation to gender and racial inequalities in society.
- 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:

There will be a two hour lecture each week which will be recorded and available on iLearn.

All students will be required to attend a Block/OCS session scheduled during the mid-semester break. Please see <https://timetables.mq.edu.au/2019/> for details. .

Attendance at the OCS Block/OCS is compulsory.

Lectures commence in Week 1 of the semester.

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.

Students should also refer to AGLC 4th edition, available at .

<https://law.unimelb.edu.au/mulr/aglc>

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 <http://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

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcome

- Conduct sophisticated independent research in theoretical and doctrinal knowledge relevant to family issues.

Assessment task

- Research Essay

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Explain and evaluate links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family law and policy.
- Reflect and analyse how multidisciplinary ideas about the family shape family laws and critically analyse how these policies and laws regulate family life.
- Critically evaluate the conception of family law as a means of dispute resolution and judge the implications of the move towards alternative dispute resolution mechanisms.
- Understand legal principles of Family Law (statute and case law) and critically evaluate the role of law reform in the area of Family Law in relation to gender and racial inequalities 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 in theoretical and doctrinal knowledge relevant to family issues.

Assessment tasks

- Class Participation

- Research Essay
- Short Answer Questions

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Explain and evaluate links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family law and policy.
- Reflect and analyse how multidisciplinary ideas about the family shape family laws and critically analyse how these policies and laws regulate family life.
- Critically evaluate the conception of family law as a means of dispute resolution and judge the implications of the move towards alternative dispute resolution mechanisms.
- Understand legal principles of Family Law (statute and case law) and critically evaluate the role of law reform in the area of Family Law in relation to gender and racial inequalities 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 in theoretical and doctrinal knowledge relevant to family issues.

Assessment tasks

- Class Participation
- Research Essay
- Short Answer Questions

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Explain and evaluate links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family law and policy.
- Reflect and analyse how multidisciplinary ideas about the family shape family laws and critically analyse how these policies and laws regulate family life.
- Critically evaluate the conception of family law as a means of dispute resolution and judge the implications of the move towards alternative dispute resolution mechanisms.
- Conduct sophisticated independent research in theoretical and doctrinal knowledge relevant to family issues.

Assessment tasks

- Class Participation
- Research Essay
- Short Answer Questions

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Explain and evaluate links between sociological, historical, philosophical and political perspectives on the family and developments in areas of family law and policy.
- Reflect and analyse how multidisciplinary ideas about the family shape family laws and critically analyse how these policies and laws regulate family life.
- Understand legal principles of Family Law (statute and case law) and critically evaluate the role of law reform in the area of Family Law in relation to gender and racial inequalities in society.
- 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

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

- Reflect and analyse how multidisciplinary ideas about the family shape family laws and critically analyse how these policies and laws regulate family life.
- Critically evaluate the conception of family law as a means of dispute resolution and judge the implications of the move towards alternative dispute resolution mechanisms.
- Understand legal principles of Family Law (statute and case law) and critically evaluate the role of law reform in the area of Family Law in relation to gender and racial inequalities in society.
- Conduct sophisticated independent research in theoretical and doctrinal knowledge relevant to family issues.

Assessment tasks

- Class Participation
- Research Essay
- Short Answer Questions

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.