



## COURSE OUTLINE

# LAW419 Family Law

**Course Coordinator:** Erica Zammit (ezammit@usc.edu.au) **School:** School of Law and Society

2021 | Semester 1

USC Sunshine Coast

**ON CAMPUS**

Most of your course is on campus but you may be able to do some components of this course online.

*Please go to the USC website for up to date information on the teaching sessions and campuses where this course is usually offered.*

## 1. What is this course about?

### 1.1. Description

Family Law concerns the law of family relationships and the institutions that are responsible for assisting people when those relationships fail. You will consider those family relationships that are recognised by law as well the processes that are available to end them formally. You will examine the law governing care of, and financial support for children when relationships break down, as well as the law concerning spousal maintenance and division of property in these circumstances. There will be considerable emphasis upon the growing use of non-adversarial techniques in family law practice

### 1.2. How will this course be delivered?

ACTIVITY	HOURS	BEGINNING WEEK	FREQUENCY
<b>ON CAMPUS</b>			
<b>Tutorial/Workshop</b> – On campus workshop - 3 hours in weeks 1-6 and 8-13.	3hrs	Week 1	12 times

### 1.3. Course Topics

Family Law an introduction history and overview, Judicial Framework and Constitutional basis; Social issues and context; The ongoing Australian Law Reform Commission review of the Family Law system.

Marriage, Nullity, de facto relationships and Divorce

Children and Parenting issues

Dispute resolution in Family Law Contexts;

Recording the resolution - Consent Orders; Parenting Plans and Binding Financial agreements.

Child Support and Spousal Maintenance;

Introduction to Property disputes and the alteration of property interests by a Court;

The Factors involved in a property division/adjustment and Order -how to apply the sections of the Family Law Act; Superannuation;

Third Party interests.

## 2. What level is this course?

400 Level (Graduate)

Demonstrating coherence and breadth or depth of knowledge and skills. Independent application of knowledge and skills in unfamiliar contexts. Meeting professional requirements and AQF descriptors for the degree. May require pre-requisites where discipline specific introductory or developing knowledge or skills is necessary. Normally undertaken in the third or fourth full-time study year of an undergraduate program.

### 3. What is the unit value of this course?

12 units

### 4. How does this course contribute to my learning?

COURSE LEARNING OUTCOMES	GRADUATE QUALITIES
On successful completion of this course, you should be able to...	Completing these tasks successfully will contribute to you becoming...
1 The ability to explain, describe, analyse and apply key concepts in Family Law	Knowledgeable Empowered
2 Demonstrate an understanding of the role of lawyers in Family Dispute Resolution processes and in court proceedings.	Ethical Engaged
3 Demonstrate the ability to process a client's instructions, filter the relevant material, and give basic advice that is relevant and practical and comprehensive.	Knowledgeable Empowered
4 Enhanced capacity to locate primary and secondary legal sources and to use those sources to engage in persuasive writing.	Knowledgeable Creative and critical thinker
5 Demonstrate the ability for oral persuasion.	Empowered Engaged

### 5. Am I eligible to enrol in this course?

Refer to the [USC Glossary of terms](#) for definitions of "pre-requisites, co-requisites and anti-requisites".

#### 5.1. Pre-requisites

LAW102 and enrolled in any Law Program

#### 5.2. Co-requisites

Not applicable

#### 5.3. Anti-requisites

LAW305

#### 5.4. Specific assumed prior knowledge and skills (where applicable)

Not applicable

### 6. How am I going to be assessed?

#### 6.1. Grading Scale

Standard Grading (GRD)

High Distinction (HD), Distinction (DN), Credit (CR), Pass (PS), Fail (FL).

#### 6.2. Details of early feedback on progress

The Course includes assessment in week 3 and 4, and ongoing in class review of workshop materials to consider academic progress.

### 6.3. Assessment tasks

DELIVERY MODE	TASK NO.	ASSESSMENT PRODUCT	INDIVIDUAL OR GROUP	WEIGHTING %	WHAT IS THE DURATION / LENGTH?	WHEN SHOULD I SUBMIT?	WHERE SHOULD I SUBMIT IT?
All	1	Oral	Individual	15%	10 minutes	Refer to Format	In Class
All	2	Written Piece	Individual	35%	2500 words	Week 9	Online Assignment Submission with plagiarism check
All	3	Examination - Centrally Scheduled	Individual	50%	2 Hours 30 minutes	Exam Period	Exam Venue

#### All - Assessment Task 1: Debate appearance

<b>GOAL:</b>	To apply legal research and oral skills to demonstrate your understanding of a key topic in family law and your ability to critique the relationship between the law and wider social issues.	
<b>PRODUCT:</b>	Oral	
<b>FORMAT:</b>	Submit: Week 3- 4.  An oral presentation of argument in relation to a current family law socially relevant topic provided in class.	
<b>CRITERIA:</b>	<b>No.</b>	<b>Learning Outcome assessed</b>
	1	Depth of research
	2	Capacity for critical thinking
	3	Your ability to present your argument persuasively and effectively
	4	Oral presentation and persuasive argument skills
	5	Your understanding of the social context of Family law issues
	6	Learning outcomes are mapped to the course learning outcomes. <span style="float: right;">1 2 3 4 5</span>

#### All - Assessment Task 2: Memorandum

<b>GOAL:</b>	To demonstrate your understanding of key concepts in Family Law and your ability to provide appropriate legal 'advice'.	
<b>PRODUCT:</b>	Written Piece	
<b>FORMAT:</b>	Memorandum of advice .	
<b>CRITERIA:</b>	<b>No.</b>	<b>Learning Outcome assessed</b>
	1	Your understanding of Family Law concepts and principles
	2	Your ability to apply your understanding of family law concepts, legislative provisions and judicial authority, to provide appropriate and comprehensive legal advice to a fictitious client
	3	Your ability to explain to a legal audience the legal basis and reasoning, by reference to case law and legislation
	4	Clarity of writing
	5	Accuracy of referencing, grammar and spelling

### All - Assessment Task 3: Examination

<b>GOAL:</b>	To demonstrate your ability to problem-solve and make a persuasive argument in a family property settlement.		
<b>PRODUCT:</b>	Examination - Centrally Scheduled		
<b>FORMAT:</b>	You will prepare answers to questions reflective of the class activities. The exam will be two hours plus 30-minutes reading time. The exam will involve a mix of short answer, legal problem and/or essay questions. You may use any printed materials to construct an answer to unseen legal problems and questions drawn from any part of the course. Electronic devices such as iPads, phones and smart watches are not permitted.		
<b>CRITERIA:</b>	<b>No.</b>		<b>Learning Outcome assessed</b>
	1	Your understanding of the relevant law	
	2	Your ability to present your argument persuasively	
	3	Your ability to translate the outcomes of the negotiation to a practical context displaying an understanding of the law	

## 7. Directed study hours

A 12-unit course will have total of 150 learning hours which will include directed study hours (including online if required), self-directed learning and completion of assessable tasks. Directed study hours may vary by location. Student workload is calculated at 12.5 learning hours per one unit.

## 8. What resources do I need to undertake this course?

Please note: Course information, including specific information of recommended readings, learning activities, resources, weekly readings, etc. are available on the course Blackboard site– Please log in as soon as possible.

### 8.1. Prescribed text(s) or course reader

Please note that you need to have regular access to the resource(s) listed below. Resources may be required or recommended.

REQUIRED?	AUTHOR	YEAR	TITLE	PUBLISHER
Required	Eithne Mills & Marlene Ebejer	2020	Focus Family Law	Lexis Nexis Butterworths

### 8.2. Specific requirements

Nil

## 9. How are risks managed in this course?

Health and safety risks for this course have been assessed as low. It is your responsibility to review course material, search online, discuss with lecturers and peers and understand the health and safety risks associated with your specific course of study and to familiarise yourself with the University's general health and safety principles by reviewing the [online induction training for students](#), and following the instructions of the University staff.

## 10. What administrative information is relevant to this course?

### 10.1. Assessment: Academic Integrity

Academic integrity is the ethical standard of university participation. It ensures that students graduate as a result of proving they are competent in their discipline. This is integral in maintaining the value of academic qualifications. Each industry has expectations and standards of the skills and knowledge within that discipline and these are reflected in assessment.

Academic integrity means that you do not engage in any activity that is considered to be academic fraud; including plagiarism, collusion or outsourcing any part of any assessment item to any other person. You are expected to be honest and ethical by completing all work yourself and indicating in your work which ideas and information were developed by you and which were taken from others. You cannot provide your assessment work to others. You are also expected to provide evidence of wide and critical reading, usually by using appropriate academic references.

In order to minimise incidents of academic fraud, this course may require that some of its assessment tasks, when submitted to Blackboard, are electronically checked through SafeAssign. This software allows for text comparisons to be made between your submitted assessment item and all other work that SafeAssign has access to.

## 10.2. Assessment: Additional Requirements

Your eligibility for supplementary assessment in a course is dependent of the following conditions applying:

The final mark is in the percentage range 47% to 49.4%

The course is graded using the Standard Grading scale

You have not failed an assessment task in the course due to academic misconduct

## 10.3. Assessment: Submission penalties

Late submission of assessment tasks may be penalised at the following maximum rate:

- 5% (of the assessment task's identified value) per day for the first two days from the date identified as the due date for the assessment task.

- 10% (of the assessment task's identified value) for the third day - 20% (of the assessment task's identified value) for the fourth day and subsequent days up to and including seven days from the date identified as the due date for the assessment task.

- A result of zero is awarded for an assessment task submitted after seven days from the date identified as the due date for the assessment task. Weekdays and weekends are included in the calculation of days late. To request an extension you must contact your course coordinator to negotiate an outcome.

## 10.4. Study help

For help with course-specific advice, for example what information to include in your assessment, you should first contact your tutor, then your course coordinator, if needed.

If you require additional assistance, the Learning Advisers are trained professionals who are ready to help you develop a wide range of academic skills. Visit the [Learning Advisers](#) web page for more information, or contact Student Central for further assistance: +61 7 5430 2890 or [studentcentral@usc.edu.au](mailto:studentcentral@usc.edu.au).

## 10.5. Wellbeing Services

Student Wellbeing provide free and confidential counselling on a wide range of personal, academic, social and psychological matters, to foster positive mental health and wellbeing for your academic success.

To book a confidential appointment go to [Student Hub](#), email [studentwellbeing@usc.edu.au](mailto:studentwellbeing@usc.edu.au) or call 07 5430 1226.

## 10.6. AccessAbility Services

Ability Advisers ensure equal access to all aspects of university life. If your studies are affected by a disability, learning disorder mental health issue, , injury or illness, or you are a primary carer for someone with a disability or who is considered frail and aged, [AccessAbility Services](#) can provide access to appropriate reasonable adjustments and practical advice about the support and facilities available to you throughout the University.

To book a confidential appointment go to [Student Hub](#), email [AccessAbility@usc.edu.au](mailto:AccessAbility@usc.edu.au) or call 07 5430 2890.

## 10.7. Links to relevant University policy and procedures

For more information on Academic Learning & Teaching categories including:

- Assessment: Courses and Coursework Programs
- Review of Assessment and Final Grades
- Supplementary Assessment
- Administration of Central Examinations
- Deferred Examinations
- Student Academic Misconduct
- Students with a Disability

Visit the USC website: <http://www.usc.edu.au/explore/policies-and-procedures#academic-learning-and-teaching>

## 10.8. General Enquiries

### In person:

- **USC Sunshine Coast** - Student Central, Ground Floor, Building C, 90 Sippy Downs Drive, Sippy Downs
- **USC Moreton Bay** - Service Centre, Ground Floor, Foundation Building, Gympie Road, Petrie
- **USC SouthBank** - Student Central, Building A4 (SW1), 52 Merivale Street, South Brisbane
- **USC Gympie** - Student Central, 71 Cartwright Road, Gympie
- **USC Fraser Coast** - Student Central, Student Central, Building A, 161 Old Maryborough Rd, Hervey Bay
- **USC Caboolture** - Student Central, Level 1 Building J, Cnr Manly and Tallon Street, Caboolture

**Tel:** +61 7 5430 2890

**Email:** [studentcentral@usc.edu.au](mailto:studentcentral@usc.edu.au)