



# LAWS8019

## Dispute Resolution Processes and Law

Session 2, Intensive attendance, North Ryde 2021

*Macquarie Law School*

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#### **Session 2 Learning and Teaching Update**

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

Visit the [MQ COVID-19 information page](#) for more detail.

## General Information

### Unit convenor and teaching staff

#### Convenor

Dr Susan Armstrong

[susan.armstrong@mq.edu.au](mailto:susan.armstrong@mq.edu.au)

#### Lecturer

Dr Dalma Demeter

[dalma.demeter@mq.edu.au](mailto:dalma.demeter@mq.edu.au)

### Credit points

10

### Prerequisites

Admission to JD and 160cp in LAW or LAWS units at 6000 level or above

### Corequisites

### Co-badged status

### Unit description

This final year unit draws together doctrinal, theoretical and practical knowledge and experience in the study of law through a focus on the use of alternative dispute resolution (ADR) in the Australian and international context. Students are encouraged to think critically about the ways that legal disputes are typically resolved and the extent to which developments in the ADR field have been integrated into legal practice and regulation. This unit consolidates student learning on the range of legal remedies available through a comparison of ADR processes including negotiation, mediation, arbitration and restorative justice. This unit also provides students with an opportunity to consolidate high level communication skills by providing simulated opportunities for legal negotiations and to further develop the discipline specific communication skills required in conflict resolution processes.

## 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:** Analyse and critique models of dispute resolution in the Australian and International legal context

**ULO2:** Identify and critique the key theoretical and doctrinal differences in the application of dispute resolution frameworks

**ULO3:** Apply high level communication skills to dispute resolution processes and distinguish the skills required for different models of dispute resolution

**ULO4:** Identify and critically examine the strengths and weaknesses of different models of dispute resolution and appropriately apply the models to different types of disputes

## General Assessment Information

Please be aware of the current Faculty Late Penalty Policy:

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – **10 marks out of 100 credit will be deducted per day** for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Negotiation role play</a>	40%	No	17:00 3/10/21
<a href="#">Research essay</a>	40%	No	17:00 27/10/21
<a href="#">Online multiple choice test</a>	20%	No	10:00 22/11/21

### Negotiation role play

Assessment Type <sup>1</sup>: Simulation/role play

Indicative Time on Task <sup>2</sup>: 40 hours

Due: **17:00 3/10/21**

Weighting: **40%**

A negotiation role play in pairs or small groups. Full instructions and fact patterns are available on iLearn

On successful completion you will be able to:

- Apply high level communication skills to dispute resolution processes and distinguish the skills required for different models of dispute resolution
- Identify and critically examine the strengths and weaknesses of different models of dispute resolution and appropriately apply the models to different types of disputes

## Research essay

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

Indicative Time on Task <sup>2</sup>: 40 hours

Due: **17:00 27/10/21**

Weighting: **40%**

Students are required to prepare a research paper examining an aspect of the application of ADR law and theory in Australia

On successful completion you will be able to:

- Analyse and critique models of dispute resolution in the Australian and International legal context
- Identify and critique the key theoretical and doctrinal differences in the application of dispute resolution frameworks

## Online multiple choice test

Assessment Type <sup>1</sup>: Quiz/Test

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

Due: **10:00 22/11/21**

Weighting: **20%**

A multiple choice test examining the course content

On successful completion you will be able to:

- Identify and critique the key theoretical and doctrinal differences in the application of dispute resolution frameworks
- Identify and critically examine the strengths and weaknesses of different models of dispute resolution and appropriately apply the models to different types of disputes

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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

### TEXT

David Spencer, Lise Barry, Lola Akin Ojelabi, *Dispute Resolution in Australia: Cases Commentary and Materials* (4th edition, 2018, Lawbook Co)

### RECOMMENDED

Roger Fisher and William Ury, *Getting To Yes: Negotiating An Agreement Without Giving In* (2011, preferably the 3rd ed but any edition is fine, Penguin).

There is no better preparation for the online negotiation assessment task than getting to grips with this book.

## Unit Schedule

1	Overview of DR processes and key issues
2	Negotiation part 1
3	Negotiation part 2
4	Mediation part 1
5	Mediation part 2
6	Arbitration part 1
7	Arbitration part 2
Recess 1	On campus / online sessions
Recess 2	
8	Advisory and Determinative DR processes
9	International DR processes
10	Legal Issues in ADR
11	Family Law and DR

12	Restorative Justice processes
13	Ethics, Standards & Future directions for DR

## 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](#)
- [Grade Appeal Policy](#)
- [Complaint Management 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)

## 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](https://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [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

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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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.