LAWS5065

Dispute Management and Resolution

Session 2, Weekday attendance, North Ryde 2021

Macquarie Law School

Contents

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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
Therese MacDermott
therese.macdermott@mq.edu.au

Credit points
10

Prerequisites
130cp in LAW or LAWS units

Corequisites

Co-badged status

Unit description
Dispute resolution schemes now dominate the practice of law at many levels. This unit explores various types of dispute resolution processes with an emphasis on negotiation, mediation, conciliation, arbitration and restorative justice. The unit provides an overview of the theory, philosophy, process, ethical and legal issues involved in each of these methods of dispute resolution. Through experiential role plays, discussions, exercises and research, students will be introduced to the skills required to advise on and participate in conflict resolution and management.

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: Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions.

ULO2: Demonstrate and apply the necessary skills required in alternative methods of resolving disputes, including in teams.

ULO3: Identify, research and analyse the legal issues surrounding the practice of dispute resolution in Australia.

ULO4: Research and critique the relevant ethical considerations in dispute resolution and management processes.

ULO5: Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute.

General Assessment Information

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
Negotiation exercise	30%	No	17:00 30/09/2021
Dispute resolution report	30%	No	17:00 21/10/2021
Take Home Final Assessment	40%	No	18/11/2021 2hr online exam, accessed between10am -5pm

Negotiation exercise

Assessment Type [1]: Simulation/role play
Indicative Time on Task [2]: 10 hours
Due: **17:00 30/09/2021**
Weighting: **30%**

A negotiation role play undertaken in pairs or small groups that may be conducted face to face, online, or via video conferencing.

On successful completion you will be able to:

• Demonstrate and apply the necessary skills required in alternative methods of resolving disputes, including in teams.

• Research and critique the relevant ethical considerations in dispute resolution and management processes.

• Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute.

Dispute resolution report

Assessment Type [1]: Report
Indicative Time on Task [2]: 30 hours
Due: **17:00 21/10/2021**
Weighting: **30%**

A report that includes a reflective element based on the negotiation role play and skills practiced in tutorials. Will also include a research element.

On successful completion you will be able to:

- Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions.
- Identify, research and analyse the legal issues surrounding the practice of dispute resolution in Australia.
- Research and critique the relevant ethical considerations in dispute resolution and management processes.
- Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute.

Take Home Final Assessment

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 2 hours
Due: **18/11/2021 2hr online exam, accessed between10am -5pm**
Weighting: **40%**

A multiple choice quiz including problem solving questions

On successful completion you will be able to:

- Describe and critique the various types of dispute resolution processes in operation in Australia and other jurisdictions.
- Identify, research and analyse the legal issues surrounding the practice of dispute resolution in Australia.
- Identify and apply the applicable dispute resolution process to the nature of the dispute and the participants in that dispute.

[1] 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.

[2] 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

1 Hour recorded lecture each week accompanied by on-line tasks to be completed.

2 Hour tutorial every second week.

Textbook: Spencer, Barry and Akin Ojelabi *Dispute Resolution in Australia* (4th ed 2019 Lawbook Co.)

Unit Schedule

Lecture topics

Week 1 Introduction to the Unit

Week 2 Negotiation Part 1

Week 3 Negotiation Part 2

Week 4 Mediation Part 1

Week 5 Mediation Part 2

Week 6 Advisory and Determinative Processes

Week 7 Court based ADR and on-line dispute resolution

Week 8 Negotiation Exercise (no lecture)

Week 9 Legal Issues in Dispute Resolution

Week 10 Family Law Dispute Resolution

Week 11 Restorative Justice Processes

Week 12 Ethics & Standards in ADR

Week 13 Future Directions

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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). 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) 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 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 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

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.