



# LAWS5065

## Dispute Management and Resolution

Session 2, Online-scheduled-weekday 2024

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Course Convenor & Tutor

Jack Ellis

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Contact via iLearn Messenger only

Lecturer

Prof. Therese MacDermott

[therese.macdermott@mq.edu.au](mailto:therese.macdermott@mq.edu.au)

Contact via iLearn Messenger only

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

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

### Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

### Special Consideration

Students should submit applications for Special Consideration electronically via [ask.mq.edu.au](https://ask.mq.edu.au), along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below).

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Class participation</u>	10%	No	Ongoing
<u>Negotiation exercise</u>	30%	No	11:55pm on Tuesday, 1 October 2024
<u>Dispute resolution report</u>	40%	No	11:55pm on Monday, 21 October 2024
<u>Take Home Final Assessment</u>	20%	No	3pm to 5pm on Thursday, 14 November 2024

### Class participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 0 hours

Due: **Ongoing**

Weighting: **10%**

Participation in tutorial discussions, activities and role plays

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.
- Demonstrate and apply the necessary skills required in alternative methods of resolving disputes, including in teams.
- Identify, research and analyse the legal issues surrounding the practice of dispute resolution in Australia.

### Negotiation exercise

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

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **11:55pm on Tuesday, 1 October 2024**

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 <sup>1</sup>: Report

Indicative Time on Task <sup>2</sup>: 30 hours

Due: **11:55pm on Monday, 21 October 2024**

Weighting: **40%**

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

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

Due: **3pm to 5pm on Thursday, 14 November 2024**

Weighting: **20%**

A timed assessment task covering the unit content.

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.

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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

### Delivery

Lectures: One recorded lecture per week (1 hour) delivered by Prof. Therese MacDermott

Tutorials: One in-person or online tutorial per fortnight (2 hours) delivered by Jack Ellis

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

### Resources

The required textbook/s is/are:

Spencer, Barry and Akin Ojelabi *Dispute Resolution in Australia* (5th ed. 2023 Lawbook Co.)

Students can purchase these textbooks online from online resellers such as [Booktopia](#), [Amazon](#) and [Zookal](#).

Additional readings will be accessible through iLearn.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://policies.smq.edu.au) (<https://policies.smq.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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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 [connect.mq.edu.au](https://connect.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)
- [Student Advocacy](#) provides independent advice on MQ policies, procedures, and processes

## Student Enquiries

Got a question? Ask us via the [Service Connect Portal](#), or contact [Service Connect](#).

## 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.

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Unit information based on version 2024.04 of the [Handbook](#)