



LAWS8019

Dispute Resolution Processes and Law

Session 2, In person-scheduled-weekday, North Ryde 2024

Macquarie Law School

Contents

General Information	2
Learning Outcomes	3
General Assessment Information	3
Assessment Tasks	4
Delivery and Resources	5
Policies and Procedures	6

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Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Course Convenor & Tutor

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Contact via iLearn Messenger

Tutor

Prof. Lise Barry

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Contact via iLearn Messenger

Lecturer

Prof. Therese MacDermott

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Contact via iLearn Messenger

Credit points

10

Prerequisites

(Admission to LLM) or (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

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, 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
Class Participation	20%	No	Ongoing
Practice-Based Task	40%	No	Role Play - 1 Oct 2024 & Reflective Report - 21 Oct 2024
Exam	40%	No	3pm-5pm on Thursday, 14 Nov 2024

Class Participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 0 hours

Due: **Ongoing**

Weighting: **20%**

An assessment of students' participation in tutorials which may include participation in tutorial discussions and debates, problem-solving, role plays, critical engagement with the unit materials, and other activities. This may require preparation before the tutorial including completing the required readings and considering or preparing responses to the tutorial materials.

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

Practice-Based Task

Assessment Type ¹: Practice-based task

Indicative Time on Task ²: 34 hours

Due: **Role Play - 1 Oct 2024 & Reflective Report - 21 Oct 2024**

Weighting: **40%**

An assessment on professional skills and knowledge relevant to the unit. This could be a legal or policy brief, a report, an essay, a law reform proposal, legal pleadings or other related professional task. This assessment may require students to prepare a response through research and adhere to discipline-specific scholarly conventions.

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

Exam

Assessment Type ¹: Examination

Indicative Time on Task ²: 40 hours

Due: **3pm-5pm on Thursday, 14 Nov 2024**

Weighting: **40%**

A time based assessment requiring a written advice on an aspect of conflict resolution.

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

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

Delivery

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

Tutorials (in person): One in-person tutorial per week (1 hour) delivered by Prof. Lise Barry

OR

Tutorials (online): One 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 is:

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.s.mq.edu.au) (<https://policies.s.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](#)
- [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 ask.mq.edu.au or if you are a Global MBA student contact 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 [AskMQ](#), 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/.

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.

Unit information based on version 2024.03 of the [Handbook](#)