



LAW 583

Special Seminar 3

D2 2012

Macquarie Law School

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General Information

Unit convenor and teaching staff

Unit Convenor

Judith Preston

judith.preston@mq.edu.au

Contact via judith.preston@mq.edu.au

N/A

By Appointment

Credit points

3

Prerequisites

6cp in LAW units at 300 level(P) and permission of Executive Dean of Faculty

Corequisites

Co-badged status

This unit is co-taught with LAW857.

Unit description

This unit accommodates the special skills and expertise of visitors to Macquarie Law School or accommodates a unit of study in developmental mode according to the teaching plans of the School. The unit is designed to capture particular expertise and interest of colleagues, both professional and academic. The particular subject area of the unit will change from year to year. Trade and Environment will be taught in this unit in 2012, Semester 1.

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:

Understand the historical and contextual background of dispute resolution in the environment law field

Understand the theoretical underpinnings of litigation and other forms of dispute resolution in the context of environment law

Be able to critically analyze the role of the various mechanisms and actors involved in environmental dispute resolution

Understand the reasons for, and content of: basic rules of court, the litigation process, and mediation procedures; and be able to apply their understanding to factual scenarios presented to them

Be able to identify the emerging factors that are now shaping the environmental litigation agenda and analyse the adequacy of our legal system in this field

Be able to identify and propose solutions for the resolution of environmental disputes including the evaluation of forum

Assessment Tasks

Name	Weighting	Due
<u>Participation</u>	10%	ongoing
<u>Quiz</u>	10%	15 September 2012
<u>Presentation</u>	20%	16 September 2012
<u>Moot</u>	20%	17 September 2012
<u>Essay</u>	40%	26 October 2012

Participation

Due: **ongoing**

Weighting: **10%**

Assessment for this unit includes class participation. Students should ensure they have completed the required reading for the intensive course and be prepared to discuss this material in the intensive course and each session. Participation will involve: answering questions put directly to you, engaging in formal and informal debates, group work, and constructing and presenting legal arguments.

Student participation will be assessed on:

- Demonstration of knowledge of the readings
- Level of critical analysis displayed
- Relevant original contributions
- Ability to engage constructively with other students and the Convenor

Note that no marks are awarded just for attending the intensive session, and that assessment is based on the quality, not quantity, of your work in class.

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Quiz

Due: **15 September 2012**

Weighting: **10%**

This will be a multiple choice quiz on Saturday 15 September 2012 designed to test your knowledge of the basic concepts of the unit. This test will be a multiple choice and short-answer quiz to test your basic knowledge of the basic concepts of the unit. This test will give you an idea of how you are progressing in the unit at an early stage.

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Presentation

Due: **16 September 2012**

Weighting: **20%**

Students will give a ten to fifteen minute presentation on Sunday 16 September 2012 on an aspect of environmental litigation/mediation. Students must select current news article (within the last six (6) months) to review a current environmental issue which is or may be capable of being resolved by litigation and or ADR. The presentation should be 10-15 minutes and summarized in a 1000 word paper to be handed in at the time of the presentation. Further information will be provided during semester through the unit website.

On successful completion you will be able to:

- Understand the reasons for, and content of: basic rules of court, the litigation process, and mediation procedures; and be able to apply their understanding to factual scenarios presented to them
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Moot

Due: **17 September 2012**

Weighting: **20%**

Students will visit the Land and Environment Court for presentations by Court personnel on practical aspects of environmental litigation and ADR from 4:00pm till 5:00pm on Monday 17 September 2012. Students will be given a role to play in a hypothetical environmental dispute which will take place from 5:00pm until 7:00pm. Basic information on their role will be provided to students prior to this task. However, students are expected to conduct their own research to supplement the information given to them.

On successful completion you will be able to:

- Understand the theoretical underpinnings of litigation and other forms of dispute resolution in the context of environment law
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Essay

Due: **26 October 2012**

Weighting: **40%**

Students are to complete a paper of 3,000 words by 5:00pm on Friday 26 October 2012 on the

following topic:

"Future change will more overtly challenge and, I believe cause us to abandon what we have hitherto thought of as the essential elements of our system - orality, a single climactic trial and party control over the dispute resolution process - and to abandon also what we once thought was the basic tenet of our system, that the best and fairest way of resolving a dispute is by a contest between competing adversaries" (Justice Davis of the Queensland Court in 2002)

Critically analyze this statement in relation to the future of environment dispute resolution techniques and issues.

The word limit should be adhered to and will be strictly enforced. The word length indicated for the assignments is exclusive of the title page, footnotes and bibliography. The word limit should not be exceeded by more than 10%. If the word limit exceeds beyond 10% then a 10% penalty will be imposed.

Students should use a proper legal citation method in all their written work. The essay footnotes, bibliography and other referencing must be consistent with the Australian Guide to Legal Citation (3rd ed). (This can be downloaded at <http://www.law.unimelb.edu.au/mulr> and hard copies may be purchased from the Co-op Bookshop.) In general, all statements in an essay that are not commonly known must be supported by a footnote, or by arguments within the text. In this unit all footnotes must have a pinpoint reference (a reference to specific page or paragraph numbers). The essay should have a correctly formatted bibliography including all sources referenced and any sources that contributed generally to the paper.

The essay will be assessed on the following criteria:

- Quality of the introduction, structure and organisation
- Appropriate use of the relevant literature
- Strength of conclusions and argument, and consideration of counter-arguments
- Extent to which the question is answered / the topic is addressed
- Clarity and fluency of expression, grammar and style
- Accuracy of referencing and bibliography

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Delivery and Resources

Delivery:

Day, Intensive

This unit will use:

iLearn

Times and Locations for Lectures and Tutorials:

For current updates, lecture times and classrooms please consult the MQ Timetables website: <http://timetables.mq.edu.au>

This course is scheduled to run as an intensive course from Friday 14th of September 2012 to Sunday 16th of September 2012. Additional days may be scheduled later in October for a visit to the LEC and for a moot subject to the availability of the Court Personnel. It is strongly recommended that students make arrangements to attend the additional day on 17 September 2012. Alternative assessment may be arranged for inability to attend if extenuating circumstances arise and suitable evidence is provided.

Assignment submission

Quiz:

Students will complete the quiz on the second day of the intensive (15 September 2012).

Presentation:

Internal students will present in their topic on third day of the Intensive (16 September 2012). A written summary (1000 words) of the presentation will be handed to the Convenor at 9am on September 16 2012. The presentation component will comprise 10% of the assessment weighting and the other 10% will be determined from the content submitted in the written summary.

Essay:

All students must submit their essays through the Faculty of Arts or Centre for Open Education (for external students) and in addition students must email their essay to the convenor (judith.preston@mq.edu.au). Note that essays are due at 5pm on the due date, not midnight. Students are advised to always make and retain a backup copy of all pieces of work submitted. It is University policy to place upon the students the onus of producing a copy of work which goes astray. Also it is a good idea to check your email soon after submitting, to ensure your email has not "bounced".

When emailing the essay please follow the following instructions:

- Assignments must be sent as be a word processor file (ie, .doc, .docx, .rtf, .odt, or similar; NOT .pdf).
- The file name should be simply the name of the student (first name, space, last name; i.e. Jane Smith would send the file: jane smith.doc).
- The lines in the document should be double spaced.
- The cover sheet and bibliography should be included in the document (i.e., they should not be sent as separate files).
- Word length of assignments should be stated on the cover sheet.

Extensions and penalties

Unexpected, unavoidable events that interfere with work on an assignment may be sufficient grounds for an extension, but complete details must be notified to the convenor, in writing, before the due date or as soon as possible thereafter, and be supported by medical certificate or other appropriate documentation. The penalties for lateness is 10% up to 7 days. Any work submitted later than 7 days need not be accepted. It should be noted that University regulations require that all classes, assignments and compulsory intensive sessions be satisfactorily attended and completed. Non-completion of any piece of work or non-attendance at the compulsory intensive session without sufficient excuse will result in an F grade.

Unit Schedule

Please refer to the unit ilearn page for further details.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://www.mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://www.mq.edu.au/policy/docs/assessment/policy.html>

Grade Appeal Policy <http://www.mq.edu.au/policy/docs/gradeappeal/policy.html>

Special Consideration Policy http://www.mq.edu.au/policy/docs/special_consideration/policy.html

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Support

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at: <http://students.mq.edu.au/support/>.

UniWISE provides:

- Online learning resources and academic skills workshops <http://www.mq.edu.au/learnin>

[g_skills/](#)

- Personal assistance with your learning & study related questions.
- The Learning Help Desk is located in the Library foyer (level 2).
- Online and on-campus orientation events run by Mentors@Macquarie.

Student Services and Support

Students with a disability are encouraged to contact the [Disability Support Unit](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

Details of these services can be accessed at <http://www.student.mq.edu.au/ses/>.

IT Help

If you wish to receive IT help, we would be glad to assist you at <http://informatics.mq.edu.au/help/>.

When using the university's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students and it outlines what can be done.

Graduate Capabilities

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Be able to critically analyze the role of the various mechanisms and actors involved in environmental dispute resolution
- Understand the reasons for, and content of: basic rules of court, the litigation process, and mediation procedures; and be able to apply their understanding to factual scenarios presented to them
- Be able to identify and propose solutions for the resolution of environmental disputes including the evaluation of forum

Assessment tasks

- Moot
- Essay

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

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Assessment tasks

- Participation
- Quiz
- Presentation
- Moot
- Essay

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

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Assessment tasks

- Participation
- Quiz
- Presentation
- Moot
- Essay

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

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Assessment tasks

- Participation
- Quiz
- Presentation
- Moot
- Essay

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Assessment tasks

- Participation
- Quiz
- Presentation
- Moot

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Understand the reasons for, and content of: basic rules of court, the litigation process, and mediation procedures; and be able to apply their understanding to factual scenarios presented to them
- Be able to identify and propose solutions for the resolution of environmental disputes including the evaluation of forum

Assessment tasks

- Participation
- Presentation
- Moot
- Essay

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- Understand the historical and contextual background of dispute resolution in the environment law field
- Understand the theoretical underpinnings of litigation and other forms of dispute resolution in the context of environment law
- Be able to critically analyze the role of the various mechanisms and actors involved in environmental dispute resolution
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Assessment tasks

- Participation
- Moot

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Understand the historical and contextual background of dispute resolution in the environment law field
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- Be able to identify and propose solutions for the resolution of environmental disputes including the evaluation of forum

Assessment tasks

- Moot
- Essay