

LAW405 Legal Dispute Resolution

School: School of Law and Society

2023 | Semester 2

UniSC Sunshine Coast

**BLENDED
LEARNING**

Most of your course is on campus but you may be able to do some components of this course online.

Please go to usc.edu.au for up to date information on the teaching sessions and campuses where this course is usually offered.

1. What is this course about?

1.1. Description

This course will develop your knowledge and understanding of dispute resolution (DR) as an integral part of the Australian legal system. You will gain an understanding of interpersonal conflict theory and the principles of non-adversarial dispute resolution. The course will enable you to assess the needs and interests of disputants and to identify and use the most appropriate DR process to resolve a dispute. A number of non-adversarial processes will be examined, and you will have the opportunity to develop basic practical skills in negotiation and mediation.

1.2. How will this course be delivered?

ACTIVITY	HOURS	BEGINNING WEEK	FREQUENCY
BLENDED LEARNING			
Learning materials – 1 hour of learning materials, or equivalent, per week	1hr	Week 1	13 times
Tutorial/Workshop 1 – On-campus group discussion, application and skill development.	2hrs	Week 1	13 times

1.3. Course Topics

ADR Processes

Negotiation

Arbitration

Restorative Justice and Processes

Therapeutic Justice and other approaches

2. What level is this course?

400 Level (Graduate)

Demonstrating coherence and breadth or depth of knowledge and skills. Independent application of knowledge and skills in unfamiliar contexts. Meeting professional requirements and AQF descriptors for the degree. May require pre-requisites where discipline specific introductory or developing knowledge or skills is necessary. Normally undertaken in the third or fourth full-time study year of an undergraduate program.

3. What is the unit value of this course?

12 units

4. How does this course contribute to my learning?

COURSE LEARNING OUTCOMES		GRADUATE QUALITIES
On successful completion of this course, you should be able to...		Completing these tasks successfully will contribute to you becoming...
1	Demonstrate understanding of the differences between traditional adversarial and non-adversarial approaches to dispute resolution and be able to critically evaluate the advantages and disadvantages of each	Knowledgeable Creative and critical thinker
2	Demonstrate critical understanding of the different processes of dispute resolution in Australia and the different contexts in which they occur.?	Knowledgeable Creative and critical thinker
3	Understand and critically evaluate the role of Alternative Dispute Resolution (ADR) within the Australian legal system	Knowledgeable Creative and critical thinker
4	Understand and critically evaluate the role of professionals in ADR processes and their duties and obligations.	Creative and critical thinker Ethical
5	Demonstrate an application of practical skills using initiative and judgement in complex interpersonal dispute resolution and conflict management	Knowledgeable Creative and critical thinker
6	Develop self-awareness and skills in critical analysis of personal responses to interpersonal conflict, and as a participant in an DR process?	Creative and critical thinker Empowered
7	Demonstrate an advanced ability to communicate effectively, coherently and persuasively in writing appropriate to the needs of the relevant audience.	Knowledgeable Creative and critical thinker

5. Am I eligible to enrol in this course?

Refer to the [UniSC Glossary of terms](#) for definitions of “pre-requisites, co-requisites and anti-requisites”.

5.1. Pre-requisites

LAW202 and LAW204 and enrolled in any Law Program.

5.2. Co-requisites

Not applicable

5.3. Anti-requisites

Not applicable

5.4. Specific assumed prior knowledge and skills (where applicable)

Not applicable

6. How am I going to be assessed?

6.1. Grading Scale

Standard Grading (GRD)

High Distinction (HD), Distinction (DN), Credit (CR), Pass (PS), Fail (FL).

6.2. Details of early feedback on progress

There are activities in canvas that provide feedback on understanding of key concepts and as scaffold for further learning in each of the weeks of semester.

6.3. Assessment tasks

DELIVERY MODE	TASK NO.	ASSESSMENT PRODUCT	INDIVIDUAL OR GROUP	WEIGHTING %	WHAT IS THE DURATION / LENGTH?	WHEN SHOULD I SUBMIT?	WHERE SHOULD I SUBMIT IT?
All	1	Written Piece	Individual	30%	1500 words	Week 5	Online Assignment Submission with plagiarism check
All	2	Oral	Individual	30%	15 minutes	Week 9	Online Submission
All	3	Activity Participation	Individual	40%	Total time 1 hour, with three participants.	Refer to Format	In Class

All - Assessment Task 1: Written Assignment

GOAL:	To demonstrate your critical understanding of the role of DR within the Australian legal system, and the role of professionals in negotiating outcomes for disputants in ADR processes					
PRODUCT:	Written Piece					
FORMAT:	This is a 1500 word individual assignment in the form of advice to a client.					
CRITERIA:	No.					Learning Outcome assessed
	1	Knowledge and understanding				1 3
	2	Critical analysis and reasoning				2 4
	3	Structure and writing				7
	4	Referencing				7

All - Assessment Task 2: Presentation

GOAL:	To demonstrate an understanding of the way legal dispute resolution processes have effectiveness and legitimacy; the validity of the outcomes reached and the legal structures and mechanisms that make the outcomes binding, both domestically, and internationally.					
PRODUCT:	Oral					
FORMAT:	An oral presentation in the style explained in the instructions, recorded in canvas.					
CRITERIA:	No.					Learning Outcome assessed
	1	Knowledge and Understanding				1 2 3 4 5 6 7
	2	Research				1 2 3 4 5
	3	Communication and expression				1 2 3 4 5 6 7

All - Assessment Task 3: Mediation Participation

GOAL:	To demonstrate an understanding of the nature and conduct of mediation as a dispute resolution process, and the benefits and deficits in mediation. To apply knowledge in a practical setting to a legal problem.				
PRODUCT:	Activity Participation				
FORMAT:	Individual assessment, conducted in a group.				
CRITERIA:	No.	Learning Outcome assessed			
	1	Knowledge and Understanding	1	2	3
			6	7	4
	2	Critical thinking and problem solving	1	2	3
			6	7	4
	3	Communication and clarity of expression; use of appropriate mediation skills/ tools	1	5	6
				7	

7. Directed study hours

A 12-unit course will have total of 150 learning hours which will include directed study hours (including online if required), self-directed learning and completion of assessable tasks. Student workload is calculated at 12.5 learning hours per one unit.

8. What resources do I need to undertake this course?

Please note: Course information, including specific information of recommended readings, learning activities, resources, weekly readings, etc. are available on the course Canvas site– Please log in as soon as possible.

8.1. Prescribed text(s) or course reader

Please note that you need to have regular access to the resource(s) listed below. Resources may be required or recommended.

REQUIRED?	AUTHOR	YEAR	TITLE	EDITION	PUBLISHER
Required	DAVID. SPENCER	2020	PRINCIPLES OF DISPUTE RESOLUTION.	3rd ed	Thomson Reuters

8.2. Specific requirements

Not applicable

9. How are risks managed in this course?

Health and safety risks for this course have been assessed as low. It is your responsibility to review course material, search online, discuss with lecturers and peers and understand the health and safety risks associated with your specific course of study and to familiarise yourself with the University's general health and safety principles by reviewing the [online induction training for students](#), and following the instructions of the University staff.

10. What administrative information is relevant to this course?

10.1. Assessment: Academic Integrity

Academic integrity is the ethical standard of university participation. It ensures that students graduate as a result of proving they are competent in their discipline. This is integral in maintaining the value of academic qualifications. Each industry has expectations and standards of the skills and knowledge within that discipline and these are reflected in assessment.

Academic integrity means that you do not engage in any activity that is considered to be academic fraud; including plagiarism, collusion or outsourcing any part of any assessment item to any other person. You are expected to be honest and ethical by completing all work yourself and indicating in your work which ideas and information were developed by you and which were taken from others. You cannot provide your assessment work to others. You are also expected to provide evidence of wide and critical reading, usually by using appropriate academic references.

In order to minimise incidents of academic fraud, this course may require that some of its assessment tasks, when submitted to Canvas, are electronically checked through Turnitin. This software allows for text comparisons to be made between your submitted assessment item and all other work to which Turnitin has access.

10.2. Assessment: Additional Requirements

Eligibility for Supplementary Assessment

Your eligibility for supplementary assessment in a course is dependent of the following conditions applying:

The final mark is in the percentage range 47% to 49.4%

The course is graded using the Standard Grading scale

You have not failed an assessment task in the course due to academic misconduct

10.3. Assessment: Submission penalties

Late submission of assessment tasks may be penalised at the following maximum rate:

- 5% (of the assessment task's identified value) per day for the first two days from the date identified as the due date for the assessment task.

- 10% (of the assessment task's identified value) for the third day - 20% (of the assessment task's identified value) for the fourth day and subsequent days up to and including seven days from the date identified as the due date for the assessment task.

- A result of zero is awarded for an assessment task submitted after seven days from the date identified as the due date for the assessment task. Weekdays and weekends are included in the calculation of days late. To request an extension you must contact your course coordinator to negotiate an outcome.

10.4. SafeUniSC

UniSC is committed to a culture of respect and providing a safe and supportive environment for all members of our community. For immediate assistance on campus contact SafeUniSC by phone: [07 5430 1168](tel:0754301168) or using the [SafeZone](#) app. For general enquires contact the SafeUniSC team by phone [07 5456 3864](tel:0754563864) or email safe@usc.edu.au.

The SafeUniSC Specialist Service is a Student Wellbeing service that provides free and confidential support to students who may have experienced or observed behaviour that could cause fear, offence or trauma. To contact the service call [07 5430 1226](tel:0754301226) or email studentwellbeing@usc.edu.au.

10.5. Study help

For help with course-specific advice, for example what information to include in your assessment, you should first contact your tutor, then your course coordinator, if needed.

If you require additional assistance, the Learning Advisers are trained professionals who are ready to help you develop a wide range of academic skills. Visit the [Learning Advisers](#) web page for more information, or contact Student Central for further assistance: +61 7 5430 2890 or studentcentral@usc.edu.au.

10.6. Wellbeing Services

Student Wellbeing provide free and confidential counselling on a wide range of personal, academic, social and psychological matters, to foster positive mental health and wellbeing for your academic success.

To book a confidential appointment go to [Student Hub](#), email studentwellbeing@usc.edu.au or call 07 5430 1226.

10.7. AccessAbility Services

Ability Advisers ensure equal access to all aspects of university life. If your studies are affected by a disability, learning disorder mental health issue, injury or illness, or you are a primary carer for someone with a disability or who is considered frail and aged, [AccessAbility Services](#) can provide access to appropriate reasonable adjustments and practical advice about the support and facilities available to you throughout the University.

To book a confidential appointment go to [Student Hub](#), email AccessAbility@usc.edu.au or call 07 5430 2890.

10.8. Links to relevant University policy and procedures

For more information on Academic Learning & Teaching categories including:

- Assessment: Courses and Coursework Programs
- Review of Assessment and Final Grades
- Supplementary Assessment
- Central Examinations
- Deferred Examinations
- Student Conduct
- Students with a Disability

For more information, visit <https://www.usc.edu.au/explore/policies-and-procedures#academic-learning-and-teaching>

10.9. Student Charter

UniSC is committed to excellence in teaching, research and engagement in an environment that is inclusive, inspiring, safe and respectful. The [Student Charter](#) sets out what students can expect from the University, and what in turn is expected of students, to achieve these outcomes.

10.10.General Enquiries

In person:

- **UniSC Sunshine Coast** - Student Central, Ground Floor, Building C, 90 Sippy Downs Drive, Sippy Downs
- **UniSC Moreton Bay** - Service Centre, Ground Floor, Foundation Building, Gympie Road, Petrie
- **UniSC SouthBank** - Student Central, Building A4 (SW1), 52 Merivale Street, South Brisbane
- **UniSC Gympie** - Student Central, 71 Cartwright Road, Gympie
- **UniSC Fraser Coast** - Student Central, Student Central, Building A, 161 Old Maryborough Rd, Hervey Bay
- **UniSC Caboolture** - Student Central, Level 1 Building J, Cnr Manley and Tallon Street, Caboolture

Tel: +61 7 5430 2890

Email: studentcentral@usc.edu.au