Description: Dispute Resolution

<table>
<thead>
<tr>
<th>Subject</th>
<th>Cat-nbr</th>
<th>Class</th>
<th>Term</th>
<th>Mode</th>
<th>Units</th>
<th>Campus</th>
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<tr>
<td>LAW</td>
<td>8120</td>
<td>34216</td>
<td>2, 2004</td>
<td>EXT</td>
<td>1.00</td>
<td>TW MBA</td>
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Academic group: FOBUS
Academic org: FOB010
Student contribution band: 3
ASCED code: 090901

STAFFING
Examiner: Pauline Collins
Moderator: Judith McNamara

OTHER-REQUISITES
Pre-requisite: Enrolment in a postgraduate program

RATIONALE
This course is designed to introduce students to both traditional and non-traditional means of resolving disputes. It is intended to provide a framework of relevant Australian legal principles and processes and relate these to the role of a professional adviser coming before the courts in civil proceedings whether as a litigant or as a witness. The relevant legal principles and processes concerning an adviser appearing before the Administrative Appeals Tribunal, are also considered. The course then examines recent developments in alternative dispute resolution.

SYNOPSIS
Within the litigation sphere, the course covers matters such as jurisdiction, procedure, evidentiary rules and remedies in relation to courts and tribunals. (It also examines administrative law when dealing with tribunals). In the non traditional area, students are introduced to recent developments in alternative dispute resolution, including arbitration and mediation.

OBJECTIVES
On successful completion of this course students will be able to:

1. describe, interpret, illustrate and explain: (a) the Australian Legal system, the role and application of precedent, court hierarchy and jurisdictions; (b) civil procedure,
both at trial and in interlocutory proceedings (for example discovery, subpoenas, privilege, and investigatory powers of government agencies); (c) rules of evidence, for example, onus of proof, admissibility, hearsay and the role of expert witnesses; (d) important tribunals, their jurisdiction and relevant rules of procedure and evidence; (e) principles of administrative law applicable to tribunal activities (particularly the Administrative Appeals Tribunal as it deals with taxation matters); (f) remedies available in given causes of action and proceedings and the principles underlying the awarding of costs; (g) developments in alternative dispute resolution and evaluate and critique their usefulness in given scenarios;

2. demonstrate through appropriate illustrations the principles of law dealt with in this course and an ability to apply those principles in factual scenarios; and

3. demonstrate an ability to communicate in a legal context.

**TOPICS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Weighting (%)</th>
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<tbody>
<tr>
<td>1. Courts - jurisdiction and civil procedure (both at trial and interlocutory proceedings)</td>
<td>20.00</td>
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<tr>
<td>2. Courts - evidence including role of expert witness</td>
<td>10.00</td>
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<tr>
<td>3. Administrative law, particularly grounds for appeal</td>
<td>20.00</td>
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<tr>
<td>4. Tribunals - structure and procedures (eg tax appeals)</td>
<td>10.00</td>
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<tr>
<td>5. Remedies and Costs</td>
<td>10.00</td>
</tr>
<tr>
<td>6. Alternative Dispute Resolution, including negotiation mediation, arbitration and case presentation</td>
<td>30.00</td>
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</table>

**TEXT and MATERIALS required to be PURCHASED or ACCESSED:**

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at http://bookshop.usq.edu.au click 'Semester', then enter your 'Course Code' (no spaces).

Latest editions of texts are required.


REFERENCE MATERIALS:

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

USQ Library Call numbers are included where relevant.
See also the Optional Further Reading list at the end of every module in the study book
Latest editions of the texts are recommended

(342.94066 ARO)

(342.940853 BAY)

(347.077 BUR)

(349.9405 CAI)

(340.07209 LAY)

(347.94077 COV)

(347.943 FOR)

(Australian edition 347.9506)

(342.94066 HOT)


(346.9407 LAT)
STUDENT WORKLOAD REQUIREMENTS:

<table>
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<th>ACTIVITY</th>
<th>HOURS</th>
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<tbody>
<tr>
<td>Assessment</td>
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<tr>
<td>Directed Study</td>
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<tr>
<td>Private Study</td>
<td>64.00</td>
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</table>

ASSESSMENT DETAILS

<table>
<thead>
<tr>
<th>Description</th>
<th>Marks out of</th>
<th>Wtg(%)</th>
<th>Due date</th>
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<tbody>
<tr>
<td>ASSIGNMENT 1</td>
<td>20.00</td>
<td>20.00</td>
<td>10 Sep 2004</td>
</tr>
<tr>
<td>ASSIGNMENT 2</td>
<td>30.00</td>
<td>30.00</td>
<td>11 Oct 2004</td>
</tr>
<tr>
<td>2 HOUR EXAMINATION</td>
<td>50.00</td>
<td>50.00</td>
<td>END S2 (see note 1)</td>
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NOTES:
1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

IMPORTANT ASSESSMENT INFORMATION

1. Attendance requirements:
   If you are an international student in Australia you are advised to attend all classes at your campus. Failure to attend may infringe the conditions of your student visa. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility to study all material provided to them or required
to be accessed by them to maximise their chance of meeting the objectives of the
course and to be informed of course-related activities and administration.

2 Requirements for students to complete each assessment item satisfactorily:
   Students must submit assignments that represent a reasonable attempt as determined
   by the Examiner. Students must obtain at least 50% of the marks available for the
   examination.

3 Penalties for late submission of required work:
   If students submit assignments after the due date without prior approval then a
   penalty of 20% of the total marks gained by the student for the assignment will
   apply for each working day late.

4 Requirements for student to be awarded a passing grade in the course:
   To be assured of receiving a passing grade a student must attempt all of the
   summative assessment items, achieve at least 50% in the examination and achieve
   an aggregated mark of at least 50% of the available weighted marks for the
   summative assessment items.

5 Method used to combine assessment results to attain final grade:
   The final grades for students will be assigned on the basis of the weighted aggregate
   of the marks obtained for each of the summative assessment items in the course.

6 Examination information:
   This is a closed examination. Students are allowed to bring only writing and drawing
   instruments into the examination.

7 Examination period when Deferred/Supplementary examinations will be held:
   Any Deferred or Supplementary examinations for this course will be held during
   the next examination period.

8 University Regulations:
   Students should read USQ Regulations 5.1 Definitions, 5.6. Assessment, and 5.10
   Academic Misconduct for further information and to avoid actions which might
   contravene University Regulations. These regulations can be found at the URL
   http://www.usq.edu.au/corporateservices/calendar/part5.htm. Students should also
   read the Faculty of Business Guide to Policies and Procedures of the Faculty which
   can be found at the URL http://www.usq.edu.au/handbook/current/buspolproc.html.

ASSESSMENT NOTES

1 Assignments: (i) The due date for an assignment is the date by which a student
   must despatch the assignment to the USQ. The onus is on the student to provide
   proof of the despatch date, if requested by the Examiner. (ii) Students must retain
   a copy of each item submitted for assessment. This must be produced within five
   days if required by the Examiner. (iii) The Examiner may grant an extension of
   the due date of an assignment in extenuating circumstances. If students submit
   assignments after the due date and wish to claim extenuating circumstances then
   they shall provide validated documentary evidence with the assignment, explaining
   the circumstances. The Examiner shall consider the statement accompanying a late
   assignment and decide on the outcome. (iv) Assignments are to be submitted in
   the appropriate assignment folders. (v) The Examiner will normally only accept
   assessments that have been written, typed or printed on paper-based media. (vi)
   The Examiner will not accept submission of assignments by facsimile. (vii) Students
who do not have regular access to postal services or who are otherwise disadvantaged by these regulations may be given special consideration. They should contact the Examiner to negotiate such special arrangements. (viii) In the event that a due date for an assignment falls on a local public holiday in their area, such as a Show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the Examiner’s convenience.

2 Course Weightings: Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.

3 Deferred Work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment or to sit for an examination at the scheduled time may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. One of the following temporary grades may be awarded: IDS (Incomplete - Deferred Examination); IDM (Incomplete Deferred Make-up); IDB (Incomplete - Both Deferred Examination and Deferred Make-up).

4 Dishonest Actions: (i) Any student who is alleged to have performed a dishonest action relating to any assessment in the course will have a course of action taken against him/her as outlined in the Academic Regulations. (ii) Pieces of assessment should be the work of individual students. Joint pieces of assessment are not permitted unless written approval has been obtained from the Examiner. (iii) Dishonest action in relation to assessment includes: copying or attempting to copy the work of others; use of or attempting to use information prohibited from use in that form of assessment; submitting the work of another as your own; consciously committing acts of plagiarism, ie taking and using another's thoughts or writings as one's own with intent to deceive, which occurs when paragraphs, sentences, a single sentence or significant parts of a sentence which are copied directly, are not enclosed in quotation marks and appropriately footnoted or referenced in the text; direct quotations are not used, but text is paraphrased or summarised, and the source of the material is not acknowledged by footnoting or other reference in the text.