LAW 461

Discrimination and the Law

S1 Day 2015

Dept of Law

Contents

Disclaimer

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
Unit Convenor
Therese MacDermott
therese.macdermott@mq.edu.au
Contact via therese.macdermott@mq.edu.au
W3A520
TBA

Credit points
3

Prerequisites
(6cp in LAW or LAWS units at 300 level) or (39cp including LAWS260)

Corequisites
(39cp including (CUL321 or GEN320 or SOC325 or SOC329 or SOC350 or PHL351 or PHL352)) or admission to LLB or BAppFinLLB or BALLB or BA-MediaLLB or BA-PsychLLB or BBALLB or BComLLB or BCom-ProfAccgLLB or BEnvLLB or BITLLB or BIntStudLLB or BPsych(Hons)LLB or BScLLB or BSocScLLB

Co-badged status

Unit description
This unit aims to give students a grounding in both the theoretical and practical application of Australia's existing anti-discrimination regulatory framework. The unit introduces students to critical debates regarding what is discrimination, what anti-discrimination legislation is designed to achieve, and how best can law address inequality and discrimination. The unit also examines the legal form in which discrimination is regulated. It requires students to come to terms with the legal concepts of direct and indirect discrimination, the construction of the various grounds of discrimination, the application of the prohibitions in specified contexts, as well as defences and exemptions that apply.

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:

Analyse and critique the role of law in addressing inequality and discrimination

Contrast different theoretical approaches to equality and non-discrimination

Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework

Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements

Locate and analyse primary and secondary materials in the area of equality and discrimination

Critique current reform options

Assessment Tasks

Name	Weighting	Due
Class participation	15%	Ongoing
Research paper	45%	28/4/15
Take home exam	40%	10/6/15

Class participation

Due: **Ongoing**
Weighting: **15%**

You are required to attend and participate in the tutorials and on campus session, and the role plays, discussions, debates and any other activities undertaken. Tutors will engage in ongoing assessment of student participation.

Students are expected to attend all turorials or the complete program for the on campus session. Attendance will be recorded at all tutorials and all sessions of the on campus program.

On successful completion you will be able to:
- Analyse and critique the role of law in addressing inequality and discrimination
- Contrast different theoretical approaches to equality and non-discrimination
- Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework
- Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements

Research paper

Due: **28/4/15**
Weighting: **45%**

This piece of assessment requires students to write a research paper based on one of the topics provided.

On line submission via iLearn no later than 11 am 28/4/15.

Detail instructions regarding the assessment task will be made available via ilearn and outlined in lectures/tutorials

On successful completion you will be able to:

- Analyse and critique the role of law in addressing inequality and discrimination
- Contrast different theoretical approaches to equality and non-discrimination
- Locate and analyse primary and secondary materials in the area of equality and discrimination
- Critique current reform options

Take home exam

Due: **10/6/15**
Weighting: **40%**

The exam questions will be made available on ilearn at **1pm on** 10/6/15 The answers to this exam are to be submitted electronically by **9pm on** 10/6/15**.**

This exam is designed to be completed in 4 hours - the 8 hour time span is to accommodate the range of commitments and needs of students.

Clash of exam times See http://students.mq.edu.au/student_admin/exams/exam_clashes/
Note "**Two exams scheduled on the same day at different start times - for example, 8:50am and 1:20pm - do not clash and students are expected to sit both exams as normal.**"

Detail instructions regarding the format of the exam will be made available via ilearn and outlined in lectures/tutorials

On successful completion you will be able to:

- Analyse and critique the role of law in addressing inequality and discrimination
- Contrast different theoretical approaches to equality and non-discrimination
- Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements
- Critique current reform options

Delivery and Resources

Required text:

Neil Rees, Katherine Lindsay & Simon Rice (2014) *Australian Anti-discrimination law; Text, Cases and Materials* (2nd ed).

Classes

There is a weekly two hour lecture and a one hour tutorial. There is a complusory two days on campus session for external students

Technology Used and Required

Additional content for this unit is delivered online via iLearn

Assessments are all submitted online via iLearn

Students require regular and reliable internet access

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://mq.edu.au/policy/docs/academic_honesty/policy.html

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

Grading Policy http://mq.edu.au/policy/docs/grading/policy.html

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

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

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

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, 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.

Student Support

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

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- Workshops
- StudyWise
- Academic Integrity Module for Students
- Ask a Learning Adviser

Student Services and Support

Students with a disability are encouraged to contact the Disability Service who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit 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.

Graduate Capabilities

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

- Contrast different theoretical approaches to equality and non-discrimination
- Describe and critique the existing institutional arrangements for pursuing discrimination

complaints and ability to critique those arrangements

Assessment tasks

- Class participation
- Take home exam

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

- Analyse and critique the role of law in addressing inequality and discrimination
- Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements
- Locate and analyse primary and secondary materials in the area of equality and discrimination
- Critique current reform options

Assessment tasks

- Class participation
- Research paper
- Take home exam

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

- Analyse and critique the role of law in addressing inequality and discrimination
- Contrast different theoretical approaches to equality and non-discrimination
- Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework

- Locate and analyse primary and secondary materials in the area of equality and discrimination
- Critique current reform options

Assessment tasks

- Research paper
- Take home exam

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

- Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework
- Critique current reform options

Assessment task

- Class participation

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

- Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework
- Critique current reform options

Assessment task

- Research paper

Changes since First Published

Date	Description
26/01/2015	Unit schedule deleted