



# LAW 496

## Special Interest Project

S3 External 2016

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff Tim Fuller <a href="mailto:tim.fuller@mq.edu.au">tim.fuller@mq.edu.au</a>
Credit points 3
Prerequisites 24cp in LAW or LAWS units and permission of Executive Dean of Faculty
Corequisites
Co-badged status
Unit description The topics that make up this course are areas that are commonly encountered by sports lawyers, managers, agents, administrators and athletes in sport. They include organisational structure of sporting groups, sporting contracts; intellectual property rights in sport, competition law in sport, specialised sporting tribunals; doping law and policy, discrimination in sport and behavioural misconduct in sport. Sport is widely recognised as being a significant activity and industry in Australia. With the commercialisation of sport, the law has become more prevalent over time and advances have led to the emergence of sports law. Sports law includes areas and topics such as sporting contracts, governance in sport, sports agents, athlete's rights and protection, drugs in sport, sporting tribunals and sporting discrimination.

## 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:

Describe and analyse sports law as a distinctive body of law.

Describe and analyse the specific rules that apply to sport through examination of legislation, case law and tribunal decisions.

Demonstrate legal research and writing skills through the study of an area of sports law and the writing of a research paper.

Demonstrate an understanding of the Court of Arbitration for Sport through the application of the relevant rules to hypothetical fact situations.

Demonstrate skills relating to the provision of legal advice through the proper identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome..

## General Assessment Information

### Law School Assessment Policy

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies policy](#) for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Grading criteria for the assessments will be provided on iLearn

## Assessment Tasks

Name	Weighting	Due
<a href="#">Research Proposal</a>	10%	5pm 17 January 2017
<a href="#">Court of Arbitration</a>	40%	7pm 21 January 2017
<a href="#">Research Paper</a>	50%	5pm 10 February 2017

### Research Proposal

Due: **5pm 17 January 2017**

Weighting: **10%**

Students will consider a list of possible research topics prior to commencement of the course on campus. Students will choose a topic and write a 500 word proposal to be handed in for assessment. Students are encouraged to devise their own research topic but must seek formal approval from the course convenor.

The format of the research proposal will consist of:

1. Title of study;
2. Primary area of sports law to be addressed;
3. Legal issues to be examined;
4. Examples of supporting sports law (e.g. case, statute, tribunal decisions)

## 5. Future recommendations (if any)

On successful completion you will be able to:

- Describe and analyse the specific rules that apply to sport through examination of legislation, case law and tribunal decisions.
- Demonstrate legal research and writing skills through the study of an area of sports law and the writing of a research paper.
- Demonstrate skills relating to the provision of legal advice through the proper identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome..

## Court of Arbitration

Due: **7pm 21 January 2017**

Weighting: **40%**

Students will be presented with a hypothetical scenario based on a previous decision of the Court of Arbitration of Sport (CAS). Working in pairs, students will make an application to the CAS to commence proceedings and will provide written submissions. Student pairs will be notified as to the time/date of their hearing (court appearance). The process and procedure will be covered extensively in the course during the seminar on Tribunals. All of the required documentation (e.g. CAS application form) will be presented to the students during this seminar.

Students will be provided with limited class time to work on the task and are expected to prepare the written and oral submissions in their own time. Written submissions will be two A4 pages in length and oral submissions will be approximately 20 minutes per pair.

Student pairs will be formed in class on day one of the course and CAS listings will be provided on the course website upon applications being received and reviewed by the court. If student numbers do not allow for a pair to be formed, a group of three will be comprised for this group activity.

The total mark is out of 40 and the allocation will be 20 marks each for the written and oral submissions. Each group is required to make an application to the CAS with the court approved form. Upon receipt and approval by the court, each group will have their matter listed for hearing.

Students are expected to work together in a professional manner and are required to identify their work on the written submissions. Each student will be marked separately on their written submissions and their oral submission performance and will receive a final mark out of 40.

On successful completion you will be able to:

- Describe and analyse sports law as a distinctive body of law.
- Describe and analyse the specific rules that apply to sport through examination of legislation, case law and tribunal decisions.
- Demonstrate an understanding of the Court of Arbitration for Sport through the application of the relevant rules to hypothetical fact situations.
- Demonstrate skills relating to the provision of legal advice through the proper identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome..

## Research Paper

Due: **5pm 10 February 2017**

Weighting: **50%**

Students are to write a 2,500 word research paper on their submitted topic for the research proposal assessment task. The research paper is the major assessment for the course and the expectation is that the final submission is of a publishable standard. Students should note the 2,500 word limit as this will be strictly enforced and any papers exceeding the word limit will be penalised (see marking criteria sheet)

On successful completion you will be able to:

- Describe and analyse the specific rules that apply to sport through examination of legislation, case law and tribunal decisions.
- Demonstrate legal research and writing skills through the study of an area of sports law and the writing of a research paper.
- Demonstrate skills relating to the provision of legal advice through the proper identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome..

## Delivery and Resources

All materials necessary to complete this unit are cited on the LAW 496 i-Learn site. The textbook will need to be purchased from the co-op.

### REQUIRED RESOURCES

#### Prescribed textbook

Thorpe, D ; A Buti, C Davies, S Fridman and Jonson (2009), Sports Law, 2nd Ed, Oxford University Press, Melbourne.

## Unit Schedule

The Block session for this unit will be held over four days - from 19th to the 22nd January

Attendance at each day of the block session is expected.

### Seminar Topics

1. Organisation of Sport;
2. Sport Governance
3. On-field Misconduct
4. Sport Tribunals;
5. Sport and Tort;
6. Gaming and Integrity in Sport;
7. Drugs in Sport;
8. Sporting Contracts;
9. Sports Agents;
10. Draft and Salary Caps;
11. Intellectual Property;
12. Ambush Marketing in Sport;
13. Discrimination
14. Children and Sport

## 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](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

**New Assessment Policy in effect from Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html). For more information visit [http://students.mq.edu.au/events/2016/07/19/new\\_assessment\\_policy\\_in\\_place\\_from\\_session\\_2/](http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/)

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

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

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.html)

Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](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/](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](http://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](http://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](http://ask.mq.edu.au)

## **IT Help**

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](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.

## Graduate Capabilities

### 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:

#### Learning outcomes

- Demonstrate legal research and writing skills through the study of an area of sports law and the writing of a research paper.
- Demonstrate an understanding of the Court of Arbitration for Sport through the application of the relevant rules to hypothetical fact situations.

#### Assessment tasks

- Research Proposal
- Research Paper

### 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

- Describe and analyse the specific rules that apply to sport through examination of legislation, case law and tribunal decisions.
- Demonstrate an understanding of the Court of Arbitration for Sport through the application of the relevant rules to hypothetical fact situations.

#### Assessment tasks

- Court of Arbitration
- Research Paper

### Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships

with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

## **Learning outcomes**

- Describe and analyse sports law as a distinctive body of law.
- Describe and analyse the specific rules that apply to sport through examination of legislation, case law and tribunal decisions.
- Demonstrate skills relating to the provision of legal advice through the proper identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome..

## **Assessment task**

- Research Paper

## **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**

- Describe and analyse sports law as a distinctive body of law.
- Demonstrate an understanding of the Court of Arbitration for Sport through the application of the relevant rules to hypothetical fact situations.

## **Assessment tasks**

- Research Proposal
- Research Paper

## **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**

- Describe and analyse the specific rules that apply to sport through examination of legislation, case law and tribunal decisions.
- Demonstrate skills relating to the provision of legal advice through the proper identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome..

## **Assessment task**

- Research Proposal

## **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**

- Describe and analyse the specific rules that apply to sport through examination of legislation, case law and tribunal decisions.
- Demonstrate an understanding of the Court of Arbitration for Sport through the application of the relevant rules to hypothetical fact situations.

## **Assessment task**

- Research Proposal

## **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**

- Describe and analyse sports law as a distinctive body of law.
- Demonstrate skills relating to the provision of legal advice through the proper

identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome..

## **Assessment tasks**

- Research Proposal
- Court of Arbitration

## **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 outcome**

- Demonstrate legal research and writing skills through the study of an area of sports law and the writing of a research paper.

## **Assessment tasks**

- Court of Arbitration
- Research Paper

## **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 outcome**

- Demonstrate legal research and writing skills through the study of an area of sports law and the writing of a research paper.

## **Assessment task**

- Court of Arbitration