# LAWS511

## Discrimination and the Law

S1 Day 2016

*Dept of Law*

## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Information</td>
<td>2</td>
</tr>
<tr>
<td>Learning Outcomes</td>
<td>2</td>
</tr>
<tr>
<td>General Assessment Information</td>
<td>3</td>
</tr>
<tr>
<td>Assessment Tasks</td>
<td>3</td>
</tr>
<tr>
<td>Delivery and Resources</td>
<td>5</td>
</tr>
<tr>
<td>Policies and Procedures</td>
<td>5</td>
</tr>
<tr>
<td>Graduate Capabilities</td>
<td>6</td>
</tr>
</tbody>
</table>

## 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

<table>
<thead>
<tr>
<th>Unit convenor and teaching staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Convenor</td>
</tr>
<tr>
<td>Therese MacDermott</td>
</tr>
<tr>
<td><a href="mailto:therese.macdermott@mq.edu.au">therese.macdermott@mq.edu.au</a></td>
</tr>
<tr>
<td>Contact via <a href="mailto:therese.macdermott@mq.edu.au">therese.macdermott@mq.edu.au</a></td>
</tr>
<tr>
<td>W3A520</td>
</tr>
<tr>
<td>Friday 11-12</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Credit points</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prerequisites</th>
</tr>
</thead>
<tbody>
<tr>
<td>(24cp in LAW or LAWS units) or LAWS260</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Corequisites</th>
</tr>
</thead>
<tbody>
<tr>
<td>(39cp including (CUL321 or GEN320 or LAW314 or LAW315 or LAWS398 or LAWS399 or PHL351 or PHL352 or SOC325 or SOC329 or SOC350))</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Co-badged status</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Unit description</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at [http://students.mq.edu.au/student_admin/enrolmentguide/academicdates/](http://students.mq.edu.au/student_admin/enrolmentguide/academicdates/)

## Learning Outcomes

1. Analyse and critique the role of law in addressing inequality and discrimination
2. Contrast different theoretical approaches to equality and non-discrimination
3. Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework
4. Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements
5. Locate and analyse primary and secondary materials in the area of equality and discrimination
6. Critique current reform options

**General Assessment Information**

Macquarie 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 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.

**Assessment Tasks**

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class participation</td>
<td>15%</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Research paper</td>
<td>45%</td>
<td>2/5/16</td>
</tr>
<tr>
<td>Short on-line exam</td>
<td>40%</td>
<td>16/6/16</td>
</tr>
</tbody>
</table>

**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 tutorials or the complete program for the on campus session. Attendance will be recorded at all tutorials and all sessions of the on campus program.

This Assessment Task relates to the following 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

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

Research paper
Due: 2/5/16
Weighting: 45%

This piece of assessment requires students to write a research paper based on one of the topics provided, or on a topic of their own choice.

On line submission via iLearn no later than 11 am 2/5/16.

Detail instructions regarding the assessment task will be made available via iLearn.

This Assessment Task relates to the following Learning Outcomes:
- 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

Short on-line exam
Due: 16/6/16
Weighting: 40%

The exam questions will be made available on ilearn on 16/6/16 and the answers to this exam are to be submitted electronically on the same day via iLearn.

Detail instructions regarding the time frame and format of the exam will be made available via iLearn.

This Assessment Task relates to the following Learning Outcomes:
- 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:**


**Classes**

There is a weekly two hour lecture and a one hour tutorial. There is a compulsory 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](http://mq.edu.au/policy/docs/). Students should be aware of the following policies in particular with regard to Learning and Teaching:


In addition, a number of other policies can be found in the [Learning and Teaching Category](http://mq.edu.au/policy/docs/) 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/)
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
• Short on-line 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
• Short on-line 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

**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
- Short on-line exam