



LAWS584

Media Law

S1 Day 2017

Dept of Law

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General Information

Unit convenor and teaching staff
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Contact via email
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For consultation times see iLearn

Credit points
3

Prerequisites
(24cp in LAW or LAWS units) or (39cp at 100 level or above including MAS214)

Corequisites
LAW203 or (39cp including (ICOM304 or MAS302 or MAS330 or POL302))

Co-badged status

Unit description
While focusing on Australia, this unit takes an international and comparative perspective on key media issues. How do different countries decide who should control the media, as well as what they should and should not show? If we value free speech, how should we regulate material such as political debate, defamation, privacy, pornography, vilification and advertising? How do we hit the right balance between state media control and the right of individuals to free expression? We look at the day-to-day legal restrictions on the media and students get to experience what it is like to advise on media content.

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:

Demonstrate advanced knowledge of how Australia regulates important aspects of the media.

Apply key aspects of Australian media regulation to real or hypothetical situations.

Advise in relation to some typical legal problems encountered by journalists and media

outlets in Australia.

Through independent research and writing, compare at least one important facet of Australian media regulation with the approach adopted by one or more jurisdictions outside Australia.

Apply theoretical frameworks in order to evaluate Australian media regulation vis-a-vis that of a comparator jurisdiction.

Participate constructively in discussion and other classroom activities in order to understand, analyse, compare and critique media regulation in Australia and overseas.

General Assessment Information

In order to pass this unit students must:

A. satisfactorily complete Foundation Quizzes 1.1 to 1.4 (see below under *Foundation Quizzes 1.1 to 1.4*);

B. participate satisfactorily in tutorials (see below under *Tutorial Participation*), and

C. attain at least 50 marks garnered from the following:

1. weekly quizzes (worth 20 marks in total);
2. program advice exercise (worth 20 marks);
3. research assignment (worth 40 marks);
4. final online assessment (worth 20 marks).

A fail grade for one or more of the weekly assessed quizzes (Quizzes A to M), program advice exercise, research assignment or final online assessment will not result in an automatic fail of the unit.

Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Foundation Quizzes 1.1 to 1.4</u>	0%	Yes	11 pm, 26 March 2017
<u>Tutorial participation</u>	0%	Yes	Various: see Schedule below
<u>Quizzes</u>	20%	No	Various: see Schedule below
<u>Program advice exercise</u>	20%	No	1 - 8 pm, 7 May 2017
<u>Research assignment</u>	40%	No	11 pm, 12 June 2017
<u>Final online assessment</u>	20%	No	2 - 4 pm, 14 June 2017

Foundation Quizzes 1.1 to 1.4

Due: **11 pm, 26 March 2017**

Weighting: **0%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

In order to pass this unit, students must satisfactorily complete Foundation Quizzes 1.1 to 1.4. Satisfactory completion of these quizzes is therefore a hurdle requirement of this unit. Satisfactory completion involves attaining 100% in each quiz on the student's last attempt. Students are allowed unlimited attempts at each quiz and quiz attempts are not timed.

The purpose of the quizzes is to ensure that students are conversant with how the unit will be run. They are also intended to clarify staff and student expectations, thus promoting effective learning.

On successful completion you will be able to:

- Participate constructively in discussion and other classroom activities in order to understand, analyse, compare and critique media regulation in Australia and overseas.

Tutorial participation

Due: **Various: see Schedule below**

Weighting: **0%**

This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)

In order to pass this unit, internal students must participate satisfactorily in tutorials. Satisfactory tutorial participation is therefore a hurdle requirement of this unit. Satisfactory participation involves:

1. demonstrating that the student has prepared adequately for every tutorial. Adequate preparation means listening to the relevant lectures, completing and thinking about the prescribed essential readings, as well as preparing answers to any tutorial questions posted to iLearn prior to the tutorial in question;
2. actively participating in tutorial activities, which can include answering tutors' questions, making suitable contributions to discussions and asking relevant questions of tutors or fellow students as appropriate;
3. respectfully listening and responding to views expressed by tutors and fellow students;
4. cooperating in tutorial activities as directed by tutors; and
5. refraining from activities unrelated to the tutorial, such as surfing the web, checking text messages, working on assignments, etc.

Tutorial participation will not be deemed satisfactory simply because you always turned up to

class. That said, you are unlikely to be able to demonstrate satisfactory tutorial participation unless you regularly attend. It is recommended that you aim to attend at least 10 out of the 13 tutorials, although attendance at fewer tutorials will not result in an automatic fail.

Notwithstanding the requirements relating to satisfactory participation, tutorials are meant to be non-threatening environments in which students can make mistakes and own up to any difficulties with the material being studied. A tutorial is a place to learn, not just to demonstrate what you have previously learned. While tutors may need to correct mistakes, every effort will be made to avoid causing any degree of embarrassment.

In particular, your tutorial participation will not be assessed as unsatisfactory simply on the basis that you:

1. answer questions incorrectly or otherwise display a lack of understanding, or
2. indicate that you find something difficult to understand (eg by asking questions);

provided that it is nevertheless evident that you adequately prepared for class, in that you made sufficient effort to try to understand the material. In short, tutors should be highly tolerant of failures to understand, highly intolerant of failures to try to understand.

Students will be notified as the session progresses if their participation is considered unsatisfactory and will be offered guidance on how to improve it.

Please see below under 'Policies and Procedures' in relation to what you should do if you miss a tutorial.

On successful completion you will be able to:

- Demonstrate advanced knowledge of how Australia regulates important aspects of the media.
- Apply key aspects of Australian media regulation to real or hypothetical situations.
- Advise in relation to some typical legal problems encountered by journalists and media outlets in Australia.
- Participate constructively in discussion and other classroom activities in order to understand, analyse, compare and critique media regulation in Australia and overseas.

Quizzes

Due: **Various: see Schedule below**

Weighting: **20%**

Twelve weekly assessable quizzes will be set. These will be identified as Quizzes A to M. (There is no Quiz I.) Each quiz will relate to the topic due to be studied at the tutorial following the quiz deadline. The quizzes will be conducted using iLearn and students must post their responses via iLearn. Students must submit their answers for each quiz by the deadline stipulated in the Schedule below. Generally the deadline falls at 11 pm on the Sunday prior to the tutorial at which the relevant topic will be discussed.

Subject to that 11 pm deadline, students will have 30 minutes from when they first open the quiz to submit all of their answers. At the end of 30 minutes the quiz is submitted automatically with whatever answers have been filled in so far. If you open the quiz after 10.30 pm on the day of the deadline then the quiz will nevertheless close at 11 pm, meaning that you will have less than 30 minutes to submit your answers.

Students stand to gain marks in relation to the first ten quizzes they attempt. Students will be deemed to have attempted a quiz once they have opened that quiz (ie once they have seen the questions). Students may attempt more than 10 quizzes in order to further their learning but they will not gain marks for the 11th or 12th quiz they attempt.

Each quiz will be worth two marks. There will be five questions as follows:

1. Questions 1, 2, 3 and 4 will each present you with a statement. You will be asked to decide whether that statement is true or false. Each question will be worth one quarter of a mark. (When calculating the overall unit mark all marks will be rounded up or down to the nearest integer.)
2. Question 5 will generally ask students to choose from among a limited number of predetermined answers to a question. That question will be worth one mark.

Answers to each question will be released on iLearn immediately after the relevant quiz's deadline. Where appropriate, online feedback will also be provided. For that reason, under no circumstances can extensions be granted for the submission of answers.

Please see below under 'Policies and Procedures' in relation to what you should do if you miss a quiz.

On successful completion you will be able to:

- Demonstrate advanced knowledge of how Australia regulates important aspects of the media.

Program advice exercise

Due: **1 - 8 pm, 7 May 2017**

Weighting: **20%**

During the afternoon of 7 May 2017 students will be asked to write an advice in relation to a hypothetical script for a proposed radio or television item. The advice will need to relate to the legal risks inherent in broadcasting the item. Where unacceptable risks exist, students will be expected to suggest ways of reducing those risks to an acceptable level.

Students will be able to download the script and related information from iLearn at 1 pm on 7 May. They will need to upload their advice to iLearn (via Turnitin) by 8 pm the same day.

Detailed instructions on how to complete the exercise, as well as a marking rubric and tips on how to do well, will be made available on iLearn one week prior to the exercise. The exercise will be designed to test students' understanding of content studied in Topics 3 to 8 (inclusive).

On successful completion you will be able to:

- Apply key aspects of Australian media regulation to real or hypothetical situations.
- Advise in relation to some typical legal problems encountered by journalists and media outlets in Australia.

Research assignment

Due: **11 pm, 12 June 2017**

Weighting: **40%**

A key purpose of the research assignment is to develop and assess competencies in independent research and writing. Students will be required to submit (via Turnitin) a 2,500 word research paper by 11 pm, 12 June 2017.

This unit's lectures and prescribed readings focus on how Australia regulates the following aspects of the media and media content:

1. political advertising;
2. speech that threatens national cohesion, including vilification of groups based on various characteristics;
3. pornographic or erotic content, or other material with a tendency to shock or offend;
4. material that damages reputation or otherwise causes loss or damage to individuals and/or corporations and other institutions;
5. media access to information;
6. protection of private and/or confidential information and communications, as well as other aspects of personal privacy;
7. the regulation of broadcasting in contrast to other media;
8. ownership of and control over the media.

In their research papers students will be asked to choose one of these aspects of media regulation and compare how Australia deals with it in comparison to one or more jurisdictions outside Australia. They will be required to frame that comparison in terms of the ideas relating to freedom of expression that we examine at the start of the unit (ie the works of John Stuart Mill, Frederick Schauer and/or Stanley Fish).

Detailed instructions and advice relating to the research assignment, as well as a marking rubric, will be provided to students in Week 3.

On successful completion you will be able to:

- Demonstrate advanced knowledge of how Australia regulates important aspects of the media.
- Through independent research and writing, compare at least one important facet of

Australian media regulation with the approach adopted by one or more jurisdictions outside Australia.

- Apply theoretical frameworks in order to evaluate Australian media regulation vis-a-vis that of a comparator jurisdiction.

Final online assessment

Due: **2 - 4 pm, 14 June 2017**

Weighting: **20%**

Students will complete a two-hour online assessment that consists of a number of multiple choice questions. The questions will focus on material covered in Topics 9 to 13 (inclusive). The questions will be made available to students via iLearn at the start of the two hours and students will be required to submit their answers online.

In addition to selecting an answer to each question, students will be required to write a short statement justifying their choice of answer. Those statements must be submitted separately to iLearn (via Turnitin) during the two-hour period.

Each question will be allocated a certain number of marks. A student will receive all of the marks for a question provided that student selects the correct answer and adequately justifies (during the two-hour period) the student's choice. Students will receive no marks for a question if they provide no adequate justification for their choice of answer during the two-hour period.

A justification will be deemed adequate only if it fulfils all of the following criteria:

- it displays a sound understanding of the relevant information and concepts covered in the lectures and/or readings;
- it displays an ability to correctly apply that material in answering the question;
- if an answer other than the convenor's preferred answer has been selected then it nevertheless offers sufficient explanation as to why the selected answer is at least as good as the convenor's preferred answer;
- it does not exceed 100 words in length.

Note that it is not enough to choose the wrong answer but then demonstrate an understanding of the relevant material in your written statement. Conversely, if you choose the correct answer but nevertheless demonstrate in your justification an insufficient understanding of the material then you will gain no mark for that question.

Further information, including guidance on writing succinct justification statements, will be provided to students three weeks prior to the assignment.

On successful completion you will be able to:

- Demonstrate advanced knowledge of how Australia regulates important aspects of the media.

- Apply key aspects of Australian media regulation to real or hypothetical situations.
- Advise in relation to some typical legal problems encountered by journalists and media outlets in Australia.

Delivery and Resources

Lectures

This unit consists of 13 topics, as set out on the iLearn website. With the exception of Topic 1, each topic is accompanied by a lecture. Rather than lectures being delivered 'live' in a theatre, recordings are available for download from iLearn (click on the 'Echo 360' logo on the right hand side of the screen). PowerPoint slides accompany each lecture and are also available from iLearn (in .pptx and .pdf format). When listening to lectures, be sure to have the accompanying PowerPoint slides in front of you, since they will be referred to during lectures.

Lectures are intended to give you an overview of the topic, indicate its most important aspects, make the related readings more interesting and accessible and, if necessary, update those readings. It is assumed that you will listen to the lecture prior to embarking on that week's readings.

Readings

The lectures should give you a broad overview of the subject, but it is essential to then develop your understanding by completing the related readings. Each week's readings are listed in the *Schedule of Readings* available from iLearn. Readings are divided into 'essential readings' and 'desirable readings'. Note that all readings listed in the *Schedule of Readings* are considered examinable, even if described as 'desirable': the division between 'essential' and 'desirable' is intended only to advise you as to which readings are most important.

'Essential' readings mostly consist of extracts from the prescribed textbook:

- Des Butler and Sharon Rodrick, *Australian Media Law* (5th ed, 2015, Thomson Reuters), ISBN: 978-0-455-234403

You are advised to obtain the current (fifth) edition of the prescribed text. Other readings are available online from Macquarie University library or the general internet.

In addition to the secondary sources (book chapters, journal articles, etc) listed in the *Schedule of Readings*, you are expected to consult relevant primary legal sources (treaties, statutes, regulations, codes and cases) as much as possible. It should be evident to you from the lectures and secondary sources which primary sources (and which parts of those primary sources) are most important. Sometimes you will need to consult primary sources in order to complete assignments. You are expected to have sufficient research skills to locate and download those primary sources. If you are having problems then the library website and staff are likely to be your best source of assistance, although your tutor may also be able to help.

For the research assignment it is absolutely essential that you go beyond the listed readings, using the library and internet to find appropriate primary and secondary sources. You are also

encouraged to read widely in the general media in order to make unit content more interesting and relevant.

If you feel that you would like to buy a casebook in addition to the prescribed textbook then you are recommended the following:

- David Rolph et al, *Media Law: Cases, Materials and Commentary* (2nd ed, 2015, Oxford Uni Press), ISBN: 978-0-19-559848-3

Tutorials

Having gained a basic understanding of each topic by listening to the lecture, and having developed that understanding through completing the readings, tutorials are your chance to discuss the issues raised, as well as ask questions in order to clear up any lingering doubts as to whether you understand the material correctly. Tutorials are meant to come towards the end of the learning process, not the beginning. Certainly they are not substitutes for listening to the lectures or doing the readings, although if you are totally stumped by even a basic point then there is no shame in raising it in a tutorial.

There will be 13 tutorials during the Session, starting in Week 1. All internal students should register in a tutorial group. Places are available on a first-come, first-served basis. You should attend the tutorial in which you are registered. However, if it proves difficult to do so then you may occasionally attend another tutorial without asking permission, provided you do not do so more than twice in a row.

Please try not to be late arriving at a tutorial. They will start promptly at five minutes after their advertised commencement time and should end at least five minutes before their advertised finishing time (in order to provide time for students and staff to move from one class to another).

See above under 'General Assessment Information' in relation to tutorial participation.

Changing your tutorial group

It is strongly recommended that you attend the same tutorial group throughout the Session. However, if your circumstances change during the Session and you need to change the day or time when you regularly attend (ie for three or more consecutive weeks) then you should re-register into another tutorial group. If the tutorial group that you wish to join is full then you will need to choose another. Under no circumstances will students be permitted to regularly attend a class in which they are not registered.

General discussion forums

In relation to Topics 2 to 13, a discussion forum will be set up on iLearn. Students are encouraged to contribute to these discussions, provided the general rules of etiquette are observed. The forums are intended for discussion relating to the issues we are studying. Please post questions relating to administrative matters to the forum called 'Discussion Forum re Administrative Matters'.

Unit Schedule

General notes:

- Lectures are delivered only via iLearn. There are no 'live' lectures in this unit.
- 'Butler & Rodrick' refers to the prescribed textbook for the unit:
 - Des Butler and Sharon Rodrick, Australian Media Law (5th edn, 2015, Thomson Reuters), ISBN: 978-0-455-234403
- Unless indicated otherwise, other readings are available from Macquarie University library as a unit reading. You can find them using MultiSearch: <http://libguides.mq.edu.au/MultiSearch>.

Topic 1: Unit Introduction

This topic introduces the unit: its learning outcomes, its learning material and activities, and also its methods of assessment. Besides discussing administrative matters, the topic also considers the expectations of staff and students.

- **Formative Quizzes 1.1 to 1.4 relate to Topic 1. The absolute deadline for completion of those quizzes is 11 pm, Sunday 26 March. Ideally, however, you should complete them before you attend your tutorial in Week 1 (27 February – 3 March).**
- Tutorials relating to this topic will be held in the week commencing 27 February (Week 1).
- Readings:
 - Essential:
 - LAWS584 Unit Guide (available from iLearn).

Part A: Free Speech

Topic 2: The Free Speech Principle

Principles guide policy makers in the design of rules. This lecture asks what principles should govern media law. Should everything be premised on some kind of right to free speech? If so, what do we mean by this right and is it really so important?

- **Deadline for Quiz A: 11.00 pm, Sunday 5 March**
- Date of tutorials relating to this topic: Monday 6 March (Week 2)
- Readings:
 - Essential:
 - Butler & Rodrick, chapters 1 and 2, (pp 1 – 30);
 - Frederick Schauer, extract from 'The Free Speech Principle' in *Free Speech: a Philosophical Enquiry*, (1982), 3 – 12;

- Frederick Schauer, 'Free Speech and the Good Life' in *Free Speech: a Philosophical Enquiry*, (1982), 47 – 59.
- Desirable:
 - Robert Kubey and Mihaly Csikszentmihalyi, 'Television Addiction Is No Mere Metaphor', (23 Feb 2002) 286.2 *Scientific American*, 74 – 81
(available at <http://www.simpletoremember.com/vitals/TVaddictionIsNoMereMetaphor.pdf>).

Topic 3: Political Expression

This lecture continues to consider the arguments generally used in support of freedom of expression, focussing on the part free speech plays in a healthy democracy. Australia's High Court has given constitutional protection to political expression, but was that a good thing? Looking in particular at the issue of paid political advertising in broadcasting, I argue that the central problem lies in how we habitually conceptualise freedom.

- **Deadline for Quiz B: 11.00 pm, Sunday 12 March**
- Date of tutorials relating to this topic: Monday 13 March (Week 3)
- Readings:
 - Essential:
 - Frederick Schauer, 'Free Speech in a World of Private Power' in Tom Campbell and Wojciech Sadurski (eds), *Freedom of Communication* (1994) 1 – 16;
 - Butler & Rodrick, chapter 4 (part), paras 4.580 – 4.640 (pp 220 – 232);
 - Roy Baker, 'Political Payola: the "Cash for Comment" Scandal and Australia's Protection of Political Speech' (2002) 7.1 *Media & Arts Law Review* 27 – 42 (available from the general Library catalogue).

Topic 4: Free Speech and the Nation

Historically, the state regulated speech so as to protect itself from its subjects. In our more democratic times attention has switched towards safeguarding national cohesion. This lecture considers the extent to which states are entitled to regulate speech that vilifies sections of the community, particularly racial, ethnic and sexual minorities, and which may lead to internal strife.

- **Deadline for Quiz C: 11.00 pm, Sunday 19 March**
- Date of tutorials relating to this topic: Monday 20 March (Week 4)
- Readings:
 - Essential:
 - Butler & Rodrick, chapter 10 (pp 677 – 702);
 - Stanley Fish, 'There's No Such Thing As Free Speech, and It's a Good Thing Too' in H Aram Veesser (ed), *The Stanley Fish Reader* (1999) 145

- 164;
- Butler & Rodrick, chapter 9 (part), paras 9.10 – 9.510 (pp 618 – 651).
- Desirable:
 - Stanley Fish, 'Holocaust Denial and Academic Freedom' (2001) 35 *Valparaiso University Law Review* 499 (available from the general Library catalogue);
 - Richard H Weisberg, 'Fish Takes the Bait: Holocaust Denial and Post-Modernist Theory' (2002) 14 *Cardozo Studies in Law and Literature* 131 – 141 (available from the general Library catalogue).

Topic 5: Pornography

If we accept the harm principle then we should not regulate erotica simply in order to safeguard the morals of its consumers. But pornography has been accused of objectifying those who appear in it, particularly women. Indeed, it has been described as nothing more than hate speech directed towards women. Using feminist theory, free speech discourse and the latest findings in neuroscience, this lecture compares various regulatory approaches to sexual content.

- **Deadline for Quiz D: 11.00 pm, Sunday 26 March**
- Date of tutorials relating to this topic: Monday 27 March (Week 5)
- Readings:
 - Essential:
 - Regina Graycar and Jenny Morgan (eds), *Hidden Gender of Law* (Foundation Press, 2002) 403-19;
 - Butler & Rodrick, chapter 9 (part), paras 9.530 – 9.790 (pp 652 – 676).
 - Desirable:
 - Neil Thornton, 'The Politics of Pornography: a Critique of Liberalism and Radical Feminism' (1986) 22(1) *Australian and New Zealand Journal of Sociology*, 25 (available from the general Library catalogue).
 - Andrea Dworkin and Catherine MacKinnon, Appendix D: 'Model Anti-pornography Civil-Rights Ordinance', *Pornography and Civil Rights: a New Day for Women's Equality* (Organizing against Pornography, Minneapolis, 1988) (available at <http://www.nostatusquo.com/ACLU/dworkin/other/ordinance/newday/TOC.htm>);
 - Norman Doidge, 'Acquiring tastes and loves: What neuroplasticity teaches us about sexual attraction and love' in *The Brain That Changes Itself: Stories of Personal Triumph From the Frontiers of Brain Science* (2007), 93-131.

Part B: Defamation Law

Topic 6: Liability for Defamation

In Australia, one of the major legal constraints on journalistic freedom derives from defamation law. Starting off by asking whether any of us are entitled to laws that safeguard our reputations, this lecture considers how the tort of defamation is committed.

- **Deadline for Quiz E: 11.00 pm, Sunday 2 April**
- Date of tutorials relating to this topic: Monday 3 April (Week 6)
- Readings:
 - Essential:
 - Butler & Rodrick, chapter 3 (part), paras 3.10 – 3.630 (pp 33 – 74);
 - Desirable:
 - Roy Baker, 'Defamation and the Moral Community' (2008) 13.1 *Deakin Law Review* 1 – 35 (available from the general Library catalogue);
 - Roy Baker, *Defamation Law and Social Attitudes: Ordinary Unreasonable People* (Edward Elgar, 2011), chapter 8 (pp 290 – 309).

Topic 7: Defamation Defences and Remedies

Continuing our analysis of defamation law, this lecture looks at the defences available to media outlets that cause damage to reputation, and asks whether those reputations are overly protected.

- **Deadline for Quiz F: 11.00 pm, Sunday 9 April**
- Date of tutorials relating to this topic: Monday 10 April (Week 7)
- Readings:
 - Essential:
 - Butler & Rodrick, chapter 3 (part), paras 3.640 – 3.1390 (pp 75 – 143).

Topic 8: Alternatives to Defamation

In this lecture I ask whether the tort of defamation is a broken tort, and whether the issue of protection of reputation is not better addressed through other forms of legal action, such as the tort of injurious falsehood or negligence, or a new action for breach of privacy.

- **Deadline for Quiz G: 11.00 pm, Sunday 30 April**
- Date of tutorials relating to this topic: Monday 1 May (Week 8)
- Readings:
 - Essential:
 - Butler & Rodrick, chapter 3 (part), paras 3.1400 – 3.1550 (pp 143 – 153);
 - Butler & Rodrick, chapter 11 (pp 703 – 727);

- Additional:
 - David Rolph, et al, *Media Law: Cases, Materials and Commentary* (Oxford Uni Press, 2nd ed, 2015) chapter 10 (pp 289 – 320).

Part C: Privacy

Topic 9: Access to Information

This lecture considers the extent to which the law both facilitates and hinders journalists' access to information, as well as its distribution via the media.

- **Deadline for Quiz H: 11.00 pm, Sunday 7 May**
- Date of tutorials relating to this topic: Monday 8 May (Week 9)
- Readings:
 - Essential:
 - Butler & Rodrick, chapter 7 (pp 461 – 521).

Topic 10: Privacy of Information and Communications

Controversy over phone hacking by journalists has exploded in the UK in recent years, has led to the closure of one of the country's oldest newspapers and could even threaten the Murdoch empire as we know it. This lecture considers whether the same thing could happen in Australia.

- **Deadline for Quiz J: 11.00 pm, Sunday 14 May**
- Date of tutorials relating to this topic: Monday 15 May (Week 10)
- Readings:
 - Essential:
 - Butler & Rodrick, chapter 8 (part), paras 8.10 – 8.430 (pp 524 – 552).

Topic 11: Personal Privacy

Historically, the common law never offered a remedy specifically designed to protect personal privacy. With the development of a more intrusive press, disquiet over this omission has become increasingly vocal. This lecture compares developments in the law of privacy in Australia with those overseas, particularly in Europe, where laws protecting privacy have a longer pedigree.

- **Deadline for Quiz K: 11.00 pm, Sunday 21 May**
- Date of tutorials relating to this topic: Monday 22 May (Week 11)
- Readings:
 - Essential:
 - Butler & Rodrick, chapter 8 (part), paras 8.440 – 8.1190 (pp 552 – 616).

Part D: Media Control

Topic 12: Broadcasting Regulation

Of all Australian media, television and radio have been the most tightly regulated in recent decades. With advances in technology, particularly digital broadcasting and the internet, justifications for retaining the traditional structure of regulation have become increasingly strained. This lecture considers the argument for and against rigorous government intervention in broadcasting and asks whether it is time to set television and radio free.

- **Deadline for Quiz L: 11.00 pm, Sunday 28 May**
- Date of tutorials relating to this topic: Monday 29 May (Week 12)
- Readings:
 - Essential:
 - Butler & Rodrick, chapter 14 (part), paras 14.10 – 14.1450 (pp 799 – 937)
 - Skim the entire reading, but focus on the following:
 - 14.10 - 14.150 (pp 799 - 824)
 - 14.710 - 14.810 (pp 867 - 874)
 - 14.930 - 14.1220 (pp 882 - 911)

Topic 13: Media Ownership

There is little point in freedom of expression if there is only one man talking. This lecture looks at how Australian law seeks to guarantee at least a modicum of media diversity, and why those efforts have been under attack in recent years.

- **Deadline for Quiz M: 11.00 pm, Sunday 4 June**
- Date of tutorials relating to this topic: Monday 5 June (Week 13)
- Readings:
 - Essential:
 - Butler & Rodrick, chapter 15 (pp 950 – 998).

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_2016.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

Disruption to Studies Policy (in effect until Dec 4th, 2017): http://www.mq.edu.au/policy/docs/disruption_studies/policy.html

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

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.

Communicating with the teaching staff

By far the best way to communicate with the convenor is via **email**: roy.baker@mq.edu.au

The convenor checks his emails regularly and you can expect a response within a few business days. If you do not hear within four business days then it is likely that your email has gone missing. Only then should you send another chasing it up.

When emailing, it is vital that you use your Macquarie email account ([student.name]@students.mq.edu.au). You can set up your Macquarie account so that emails received there are forwarded to your regular account.

Phoning the convenor is not a good idea unless the call is prearranged, since his phone is not regularly checked for messages.

If you wish to talk to the convenor or a tutor face-to-face then it is best to attend their **consultation sessions** (see *iLearn* for the day and time). If you wish to attend then you should notify the convenor or tutor (as appropriate) in advance. If you are unable to attend due to timetable clashes then you should email the convenor or tutor (as appropriate) to arrange a mutually convenient appointment.

Disruption to study

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 special consideration are to be submitted 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.

Note below for information on what to do if you miss a weekly quiz or a tutorial.

Word limits and submission of work

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.

What do I do if I miss a tutorial?

In accordance with University policy, students who fail to meet the tutorial participation requirement, but are nevertheless assessed as having made a serious first attempt to do so, will be given one further opportunity. This further opportunity may take the form of one or more of the following: additional tutorials, a one-to-one oral examination with a tutor or the convenor, or additional written work. Students who are assessed as not having made a serious first attempt to meet the tutorial participation requirement will be given no second opportunity and will simply fail the unit.

Whether you are assessed as having made a serious first attempt to meet the tutorial participation requirement will depend on a number of factors, including:

1. the number of classes you miss during the session;
2. the extent to which you actively participate in the classes you attend;
3. whether or not your absences were due to disruptions that qualify as 'serious and unavoidable' for the purposes of the University's Disruption to Studies policy. Note that in order to qualify as 'serious and unavoidable', your disruption must be of at least three consecutive days' duration. You will also need to notify the University of that disruption in accordance with the Disruption to Studies procedure (ie online, via ask.mq, supporting your notification with satisfactory documentation).

What action you should take in the event of missing a class depends on your particular circumstances. If you have been attending regularly to date, and if you have participated actively in the classes you attend then you may not need to do anything if all you do is miss two or three classes. (As a general guideline for minimum attendance and participation, you should aim to attend at, and participate actively in, at least 10 out of 13 classes.)

If you find that you are regularly missing classes, or have concerns about your participation, then it would be sensible to discuss the matter with your tutor. Ultimately, you may need to consider withdrawing from the unit. Students who are in danger of failing the unit on account of unsatisfactory tutorial attendance will receive a written warning sometime around the middle of the session. If necessary, this will be followed up with subsequent warnings. Students who receive warnings are particularly encouraged to seek guidance from their tutor.

What do I do if I miss a quiz?

Ultimately, the situation is governed by the University's Disruption to Studies Policy. Even so, note that students are afforded 12 opportunities to complete just 10 quizzes. That means that if you miss one or two quizzes during the course of the session then you need not rush into taking

action. That saves you the burden of needing to compile documentary evidence and applying online for special consideration in accordance with the Disruption to Studies Policy. You only need to do that if you miss more than two quizzes.

If your Disruption to Studies application is successful then you will be granted permission to complete a supplementary quiz in the event of your being unable to complete 10 out of the 12 standard quizzes. Questions for these supplementary quizzes will be released at the beginning of Week 13 and the deadline for these supplementary quizzes will fall at the end of Week 13.

If you do not qualify for special consideration then you will simply have to forego the marks for the missed quiz. If you miss more than two quizzes then that does not automatically result in a fail.

You are strongly recommended not to miss a quiz unless it is unavoidable to do so. By assiduously attempting all quizzes from the outset you will be able to keep two quizzes in reserve. Having quizzes in reserve may prove extremely helpful if you later miss a quiz due to circumstances that do not qualify for special consideration (eg you suffer a disruption of fewer than three days' duration or you simply forget a quiz deadline). By holding two quizzes in reserve, you would still have an opportunity to achieve full marks in the quiz component of the unit.

Moderation

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.

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://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

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 outcome

- Advise in relation to some typical legal problems encountered by journalists and media outlets in Australia.

Assessment task

- Foundation Quizzes 1.1 to 1.4

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

- Demonstrate advanced knowledge of how Australia regulates important aspects of the media.
- Apply key aspects of Australian media regulation to real or hypothetical situations.
- Advise in relation to some typical legal problems encountered by journalists and media outlets in Australia.

Assessment tasks

- Tutorial participation
- Quizzes
- Program advice exercise
- Research assignment
- Final online assessment

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

- Advise in relation to some typical legal problems encountered by journalists and media outlets in Australia.
- Through independent research and writing, compare at least one important facet of Australian media regulation with the approach adopted by one or more jurisdictions outside Australia.
- Apply theoretical frameworks in order to evaluate Australian media regulation vis-a-vis that of a comparator jurisdiction.

Assessment task

- Research assignment

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

- Advise in relation to some typical legal problems encountered by journalists and media outlets in Australia.
- Through independent research and writing, compare at least one important facet of

Australian media regulation with the approach adopted by one or more jurisdictions outside Australia.

Assessment tasks

- Tutorial participation
- Program advice exercise
- Research assignment
- Final online assessment

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

- Through independent research and writing, compare at least one important facet of Australian media regulation with the approach adopted by one or more jurisdictions outside Australia.
- Apply theoretical frameworks in order to evaluate Australian media regulation vis-a-vis that of a comparator jurisdiction.
- Participate constructively in discussion and other classroom activities in order to understand, analyse, compare and critique media regulation in Australia and overseas.

Assessment tasks

- Foundation Quizzes 1.1 to 1.4
- Tutorial participation
- Program advice exercise
- Final online assessment

Changes from Previous Offering

The Foundation Quizzes are a new feature of this unit and have been introduced to facilitate more effective learning and teaching.