LAWS529

Information Technology Law

S1 Day 2018

Dept of Law

Contents

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General Information

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Credit points
3

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

Corequisites

Co-badged status

Unit description

Cyberspace presents the law with many challenges. This unit introduces the basic legal issues raised by networked digital technologies such as the internet. Topics as diverse as jurisdiction; proprietary rights (copyright, trademarks, patents, domain names); privacy; e-commerce and its framework; and selected others are discussed. The emerging law and leading policy debates concerning information technology are studied.

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 an understanding of the fundamental principles of information technology law.

Articulate the specific rules of information technology law through closely examining legislation and case law.

Apply the law to hypothetical fact situations through analogising and distinguishing.

Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.

Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.

Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.

Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment Tasks

Name	Weighting	Hurdle	Due
Class participation	20%	No	Tutorials 1-12
Research Assignment	40%	No	13 April 2018, 5pm (Week 7)
Final Take-home Assessment	40%	No	5 June 2018, 5pm (Week 13)

Class participation

Due: **Tutorials 1-12**

Weighting: **20%**

The tutorials are designed to extend the *comprehensive and broad* overview of IT law principles provided in the lectures by creating an opportunity for the *in-depth consideration of selected specific issues*. The tutorial discussion will be prompted by the consideration of scholarly articles, relevant cases, reform reports and the solving of hypothetical problem questions.

Tutorial questions - The tutorial questions for each tutorial are found in the LAWS 529 iLearn site under the relevant week.

Tutorial preparation and readings - Students are expected to listen to lectures on Echo on iLearn, complete the required readings (both the prescribed reading for the lectures and the tutorials) and come ready to discuss the questions outlined in the Tutorial Questions.

What do I do if I miss a tutorial?

If you miss one tutorial, please do not email your tutor, and do not lodge an online Ask request. Instead but rather see *your tutor* at the start or end of class with relevant documentation.

If you will be missing more than one tutorial, please lodge an Ask Special Consideration application online at *ask.mq.edu.au*.

On campus session

External students are required to attend both days of the On-Campus Session.

Moderation

Class participation will be assessed on both the quality and regularity of participation. Class participation will be assessed on the following criteria:

Ability to critically discuss the material - the student is able to demonstrate reading and engagement with the reading materials and lectures for each week. This will be demonstrated by ability to answer relevant questions, responding to and participating effectively in class debates, and by asking questions to clarify anything not understood.

Oral expression - the student is able to verbally express their ideas about the materials in a clear, coherent, and concise manner;

Engaging with other students - the student engages with others in the class, displaying respect for others' opinions, active listening, constructive feedback and dialogue;

Further detail is provided in the Participation Rubric on the LAWS 529 ilearn site.

On successful completion you will be able to:
- Apply the law to hypothetical fact situations through analogising and distinguishing.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy

debates and law reform discourse as applied to new or emerging technologies areas.

- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.

Research Assignment

Due: **13 April 2018, 5pm (Week 7)**
Weighting: **40%**

Question for Research Assignment

"Face recognition technology" refers to a biometric method of identifying an individual by comparing live or digital image data with stored records. Whilst such technologies are increasingly being used for purposes of enhancing security, preventing crime and aiding criminal investigations, Australia does not have a specific legal framework governing the use of such technologies.

Discuss the merits of introducing specific laws prescribing the circumstances and conditions under which face recognition technologies may be used in Australia. Your analysis may refer to existing Australian laws in this general area, the law reform discourse and international developments.

Due date and word limit

- Due date - Friday 13 April (Week 7), 5pm, via Turnitin on ilearn LAWS 529 site.

- Word limit of 2,500 not including footnotes. Footnotes must be confined to references.

Moderation

Detailed marking rubrics are used in this unit. **Please refer to the Research Assignment rubric on the LAWS 529 ilearn site.**

The marker and convenor undertake a process of blind marking of 10% of all papers to establish an accurate and equitable marking standard. Once the marking standard has been established, one marker marks all the papers to ensure consistency. Fail papers are double marked by the convenor.

Please note that this assignment requires independent legal research that goes beyond the information provided in lectures.

Application for an extension

All applications for Special Consideration need to be made electronically via ask.mq.edu.au and should be accompanied by supporting documentation.

Please do not email to request an extension or email to seek the outcome of a lodge application. No information can be provide via email, all information will be provided via the Ask system.

Faculty late penalties

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - two (2) marks out of 100 will be deducted per day for assignments submitted after the due date - and (b) no assignment will be accepted more than seven (7) days (including weekends) after the original submission date.

Other relevant information

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 via the Turnitin link on the iLearn page for this unit. Plagiarism detection software is used in this unit. Please ensure all citations are in accordance with the *Australian Guide to Legal Citation*.

On successful completion you will be able to:

- Demonstrate an understanding of the fundamental principles of information technology law.
- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Final Take-home Assessment

Due: **5 June 2018, 5pm (Week 13)**
Weighting: **40%**

Content

The Final Take-Home Assessment will consist of two questions potentially covering all the material covered in the unit. Each question is worth 20%. The assessment will consist of *either*: (a) one essay question and one problem solving questions; *or* (b) two essay questions.

Word length

A maximum word length of 1,200 applies to *each* answer. This amounts to a total of 2,400 words for the two answers.

Duration

The Final Take-Home Assessment is designed to be completed in 7 hours (including lunch and tea breaks). However, to provide flexibility, to support the multiple commitments of students and to accommodate disability, a period of four full days will be provided for the exam. Please take the above into account if you are applying for an extension.

Release and due dates

The Final Take-Home Assessment Questions will be posted on iLearn on Friday 1 June 2018
(Week 12) at 5pm. The answers are due by Tuesday 5 June 2018 (Week 13) at 5 pm.

Moderation

The marker and the convenor undertake a process of blind marking 10% of all papers to
establish an accurate and equitable marking standard. After the marking standard has been
established, one marker marks all the papers to ensure consistency. All Fail papers are double
marked by the convenor.

Application for an extension

All applications for Special Consideration need to be made electronically via ask.mq.edu.au and
should be accompanied by supporting documentation. This is a timed assessment and no late
submissions will be accepted in the absence of a grant for Special Consideration.

**Please do not email to request an extension or email to seek the outcome of a lodge
application via email. No information can be provide via email, all information will be
provided via the Ask system.**

Other relevant information

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 via the Turnitin link on the iLearn page
for this unit. Please note that plagiarism detection software is used in this unit. Please ensure all
citations are in accordance with the *Australian Guide to Legal Citation.*

On successful completion you will be able to:
  • Demonstrate an understanding of the fundamental principles of information technology
    law.
  • Articulate the specific rules of information technology law through closely examining
    legislation and case law.
  • Apply the law to hypothetical fact situations through analogising and distinguishing.
  • Provide legal advice through properly identifying legal issue(s), applying the relevant law
    to the identified issues, and accurately assessing the likely outcome.
  • Develop skills for designing new laws and for reforming existing laws by examining policy

debates and law reform discourse as applied to new or emerging technologies areas.

Delivery and Resources

Prescribed textbook

- B Fitzgerald, A Fitzgerald, et al, *Internet and E-Commerce Law: Technology, Law and Policy,* Thomson Lawbook Co, 2011.

Tutorial readings

- In addition to the prescribed text book, it is necessary to read the materials noted in the Tutorial Questions. The Tutorial Questions are found on the iLearn site. The Tutorial Readings are found on the iLearn site and in e-reserve.

Useful Journals

- *International Journal of Law and Information Technology,* Oxford University, UK.
- *Harvard Journal of Law and Technology,* Harvard University Press, USA.
- *Information Journal of Technology Policy and Law,* Inderscience Publications, Switzerland.
- *Media and Art Law Review*, University of Melbourne Press, Australia.
- *Northwestern Journal of Technology and Intellectual Property, Northwester University Press, Chicago, USA.*
- *Telecommunications Journal of Australia, Monash University Press, Australia.*
- *Pittsburgh Journal of Technology Law and Policy, Pittsburgh University Press, USA.*
- *Information and Communications Technology Law* 299-314, University of Surrey, UK.
- *Computer and Telecommunications Law Review,* Sweet & Maxwell, UK.
- *Computer Law and Security Review, Elsevier*, UK*.*

Legislation:

All Commonwealth and State statutes and regulations can be found at http://www.austlii.edu.au.

Ensure reference is made, wherever possible, to consolidated legislation.

Case Law:

For *reported case law*, use the Macquarie University library to access the:

Lawbookonline database (e.g. CLR, FCR, FLR, NSWLR);

Lexisnexis (Aus) database (e.g. ALR, IPR).

For *unreported case law*, use: http://www.austlii.edu.au.

Websites

See links to useful websites provided on LAW iLearn page.

Unit Schedule

Week	Date	Lecture (Uploaded on Echo)	Tutorial	Reading for Lecture	Reading for Tutorial
1	26 Feb	Lecture 1: Introduction	Tutorial 1	Fitzgerald Chapter 1	Reading prescribed under Week 1 on ilearn
2	5 Mar	Lecture 2: Jurisdiction	Tutorial 2	Fitzgerald, Chapter 2	Reading prescribed under Week 2 on ilearn
3	12 Mar	Lecture 3: E-contracts I	Tutorial 3	Fitzgerald, Chapter 7	Reading prescribed under Week 3 on ilearn
4	19 Mar	Lecture 4: E-contracts II	Tutorial 4	Fitzgerald, Chapter 7	Reading prescribed under Week 4 on ilearn
5	26 Mar	Lecture 5: Patents	Tutorial 5	Fitzgerald, Chapter 5	Reading prescribed under Week 5 on ilearn
6	2 Apr	Lecture 6: Trade marks and domain names	Tutorial 6	Fitzgerald, Chapter 6	Reading prescribed under Week 6 on ilearn

7	**RESEARCH ASSIGNMENT IS DUE on 13 April 2018, 5pm via Turnitin**	Lecture 7: Content Regulation	Tutorial 7	Fitzgerald Chapter 3	Reading prescribed under Week 7 on ilearn
8	30 Apr	Lecture 8: Copyright I	Tutorial 8	Fitzgerald, Chapter 4	Reading prescribed under Week 8 on ilearn
9	7 May	Lecture 9: Copyright II	Tutorial 9	Fitzgerald, Chapter 4	Reading prescribed under Week 9 on ilearn
10	14 May	Lecture 10: Internet Crime	Tutorial 10	Fitzgerald, Chapter 11	Reading prescribed under Week 10 on ilearn
11	21 May	Lecture 11: Consumer Protection and Security	Tutorial 11	Fitzgerald, Chapter 8	Reading prescribed under Week 11 on ilearn
12	**FINAL ASSESSMENT QUESTIONS RELEASED on Friday 1 June 2018, 5pm via iLearn Turnitin.**	Lecture 12: Privacy	Tutorial 12	Fitzgerald, Chapter 10	Reading prescribed under Week 12 on ilearn
13	**FINAL ASSESSMENT ANSWERS DUE on 5 June 2018, 5pm via Turnitin on ilearn.**				

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://staff.m

q.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy
- Fitness to Practice Procedure
- Grade Appeal Policy
- Complaint Management Procedure for Students and Members of the Public
- Special Consideration Policy *(**Note:** The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)*

Undergraduate students seeking more policy resources can visit the Student Policy Gateway (https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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://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

- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment tasks

- Class participation
- Final Take-home Assessment

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

- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Apply the law to hypothetical fact situations through analogising and distinguishing.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.

Assessment tasks

- Class participation
- Research Assignment
- Final Take-home Assessment

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 an understanding of the fundamental principles of information technology law.
- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment tasks

- Class participation
- Research Assignment
- Final Take-home 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

- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Apply the law to hypothetical fact situations through analogising and distinguishing.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
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Assessment tasks

- Class participation
- Research Assignment
- Final Take-home Assessment

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

- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.

Assessment tasks

- Class participation
- Research Assignment
- Final Take-home 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

- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment tasks

- Class participation
- Research Assignment
- Final Take-home Assessment

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 outcomes

- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment tasks

- Class participation
- Final Take-home Assessment

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:

Assessment task

- Final Take-home Assessment