



# LAWS826

## Anti-Discrimination Law

S1 External 2018

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

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Thursday 1-2

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Credit points

4

Prerequisites

32cp in LAW or LAWS units at 800 level or above

Corequisites

Co-badged status

Unit description

This unit examines how the concepts of equality and non-discrimination have been given effect to in Australia through the statutory framework of federal, state and territory anti-discrimination laws. It analyses the theoretical and practical application of this regulatory framework, and its shortcomings. The unit critiques how the legal form of 'discrimination' is constructed, and whether the complaints based model for the enforcement of Australian anti-discrimination laws is an effective compliance regime. It also considers how we judge the contribution law can make to eliminating discrimination and addressing inequality, and what additional regulatory responses may be required.

## 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:

1. Evaluate theoretical approaches to equality and non-discrimination
2. Apply the legislative proscription of discrimination to varying attributes and contexts

3. Demonstrate advanced research, writing and referencing skills
4. Analyse the applicable dispute resolution processes
5. Present well-developed arguments in response to a range of discrimination issues
6. Identify potential reforms to the existing regulatory framework

## General Assessment Information

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 (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests

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.

Moderation: Detailed marking rubrics will be made available on iLearn and all Fail papers are double marked.

## Assessment Tasks

Name	Weighting	Hurdle	Due
Participation	10%	No	on-going
Research proposal	15%	No	5 pm 26 March 2018
Essay	50%	No	21 May 2018 5pm
Exam	25%	No	25 June 2018

### Participation

Due: **on-going**

Weighting: **10%**

You are required to attend and participate in the 2 day session, and take an active part in the role plays, discussions, debates and any other activities undertaken. Tutors will engage in ongoing assessment of student participation.

On successful completion you will be able to:

- 1. Evaluate theoretical approaches to equality and non-discrimination
- 4. Analyse the applicable dispute resolution processes

- 5. Present well-developed arguments in response to a range of discrimination issues
- 6. Identify potential reforms to the existing regulatory framework

## Research proposal

Due: **5 pm 26 March 2018**

Weighting: **15%**

Students are required to submit a research proposal that outlines the topic of their proposed research essay. The proposal should give a brief overview of the topic area, and pose a clear question that the research seeks to answer.

In addition, the proposal should explain how this research adds to, develops, or challenges the existing literature on the topic. In this regard the proposal should include reference to 3 sources (eg articles, books or research papers) relevant to the topic, and how they relate to the research you are undertaking.

Word Limit 700

On successful completion you will be able to:

- 3. Demonstrate advanced research, writing and referencing skills
- 6. Identify potential reforms to the existing regulatory framework

## Essay

Due: **21 May 2018 5pm**

Weighting: **50%**

This task requires students to engage in **in-depth research** and reading from a wide range of sources, from which they are required to develop well-supported arguments in essay form on the topic. In writing the essay, students should demonstrate their ability to **critically analyse** the core issues raised by the topic, as well as an understanding of the context, relevant case law, and the broader public policy issues involved. Word limit 2500

On successful completion you will be able to:

- 1. Evaluate theoretical approaches to equality and non-discrimination
- 2. Apply the legislative proscription of discrimination to varying attributes and contexts
- 3. Demonstrate advanced research, writing and referencing skills
- 5. Present well-developed arguments in response to a range of discrimination issues
- 6. Identify potential reforms to the existing regulatory framework

## Exam

Due: **25 June 2018**

Weighting: **25%**

The exam question will be made available on ilearn on 25/6/18, with a written answer 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 is a timed assessment and no late submissions will be accepted**

On successful completion you will be able to:

- 2. Apply the legislative proscription of discrimination to varying attributes and contexts
- 4. Analyse the applicable dispute resolution processes
- 5. Present well-developed arguments in response to a range of discrimination issues

## **Delivery and Resources**

### **Required text:**

Neil Rees, Simon Rice, Dominique Allen (2018) *Australian Anti-Discrimination and Equal Opportunity Law*. (3rd ed).

There is a weekly two hour lecture that is made available through iLearn.

There is a two days on session for all students - see timetable.

Additional content for this unit is delivered online via iLearn

Assessments are all submitted online via iLearn

Students require regular and reliable internet access

## Unit Schedule

Week 1 Introduction

Week 2 Equality theory, international law and constitutional dimensions

Week 3 Direct Discrimination

Week 4 Indirect Discrimination

Week 5 Sex Discrimination

Week 6 Disability Discrimination

Week 7 Disability Discrimination + Age Discrimination

Week 8 Race discrimination

Week 9 Sexual orientation and gender identity discrimination

Week 10 Harassment

Week 11 Vilification

Week 12 Procedure + Remedies

Week 13 Overview

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.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) (<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](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://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](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

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

#### Learning outcomes

- 2. Apply the legislative proscription of discrimination to varying attributes and contexts
- 4. Analyse the applicable dispute resolution processes
- 6. Identify potential reforms to the existing regulatory framework

#### Assessment task

- Exam

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

#### Learning outcomes

- 2. Apply the legislative proscription of discrimination to varying attributes and contexts
- 4. Analyse the applicable dispute resolution processes

#### Assessment tasks

- Participation
- Research proposal
- Essay
- Exam

### PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:



## **Learning outcomes**

- 1. Evaluate theoretical approaches to equality and non-discrimination
- 4. Analyse the applicable dispute resolution processes
- 5. Present well-developed arguments in response to a range of discrimination issues
- 6. Identify potential reforms to the existing regulatory framework

## **Assessment tasks**

- Participation
- Essay

## **PG - Research and Problem Solving Capability**

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

## **Learning outcome**

- 3. Demonstrate advanced research, writing and referencing skills

## **Assessment tasks**

- Research proposal
- Essay

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

## **Learning outcomes**

- 3. Demonstrate advanced research, writing and referencing skills
- 5. Present well-developed arguments in response to a range of discrimination issues

## **Assessment tasks**

- Participation
- Research proposal
- Exam

## PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

### Learning outcome

- 6. Identify potential reforms to the existing regulatory framework

### Assessment task

- Participation

## Changes from Previous Offering

First offering of this unit