



# LAWS8097

## Media Law and Culture

Session 1, Intensive attendance, North Ryde 2020

*Macquarie Law School*

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## General Information

Unit convenor and teaching staff

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Credit points

10

Prerequisites

(Admission to JD and 80cp in LAW or LAWS units at 6000 level or above) or (admission to LLM)

Corequisites

Co-badged status

Unit description

What principles should guide government policy towards the media? Given the pivotal role the media play in cultural production, should we favour tight regulation of media ownership and content, or are these better left to market forces? What meaning should we give to concepts such as freedom of expression, especially when it comes to issues such as hate speech and pornography? What role should the media play in a democracy, and how should we balance the rights and interests of the media against those of individuals, corporations and other institutions anxious to safeguard their privacy and reputation? This unit takes an international and comparative perspective on media law, asking how these questions have been and should be answered not only in Australia but also overseas. From fundamental principles to day-to-day legal restrictions on what people in different countries see and hear in their media, we examine how media law shapes and reflects national culture.

## 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:

**ULO1:** Demonstrate an advanced and integrated understanding of how Australia regulates important aspects of the media.

**ULO2:** Apply key and relevant aspects of Australian media regulation to resolve real or hypothetical situations.

**ULO3:** Provide advice in relation to some typical legal challenges encountered by journalists and media outlets in Australia.

**ULO4:** Demonstrate a sophisticated understanding of medium-neutral and medium-specific speech regulation as compared across at least two jurisdictions.

**ULO5:** Critically analyse the relevance of different theoretical frameworks as they apply to aspects of media law

## Assessment Tasks

### Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult [iLearn](#) for revised unit information.

[Find out more about the Coronavirus \(COVID-19\) and potential impacts on staff and students](#)

## General Assessment Information

Here is some further information and due dates for the assessments:

Some Explanation on the Assessments:

1. The Essay (50%) of final grade will be a research paper on a topic to be assigned in iLearn. This is due by 11:59 PM on Tuesday 12 May 2020
2. Professional writing will be in the format of an online examination (30% of final grade) on 18 June 2020 between 1PM and 3PM + reading time
3. Weekly quizzes will be held in class during the on-campus sessions on 22, 23 April from 2-3 PM.

## Delivery and Resources

### Coronavirus (COVID-19) Update

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

Media law - is this something different from entertainment law? Yes and no. In this course, our emphasis will be on 21st Century media, which is really entertainment. Unlike traditional media law courses that focus on newspapers, radio, and television, we will focus on media that is more

prevalent - the Cyber World. This change of focus contains some challenges as the law is far from settled. Just consider, as newspapers fail around the world, computer gaming has grown to the point where gaming now generates more money annually than television. We would be remiss and very out of date if we did not take up social media and all of its worldwide ramifications. To borrow a phrase from Charles Dickens, from the viewpoint of media law, this is the best of time, this is the worst of times. The best of times because so much is happening, the worst of times because the legal landscape changes faster than we can adapt.

It is naive to think that we can predict the world of media five years from now. To avoid being legal dinosaurs, I have added a substantial amount of media theory to this course so that as lawyers, you will be better equipped to deal with whatever the future will bring.

This course contains 13 weekly topics that are described in the iLearn website. Power Point slides accompany each lecture. The lectures are available on recordings but you are welcome to attend the live lectures scheduled under LAWS5084. You are encouraged to attend the live lectures as there is frequently an opportunity for questions.

Attendance and participation in the on-campus intensive tutorials are absolutely essential to successful completion of this course. Assessment topics are frequently derived from the materials addressed in the tutorials. For example, much of the contemporary issues concerning 21st Century media and regulation is dealt with in the tutorials as opposed to the lectures.

Readings for this course involve a combination of: (1) The prescribed casebook; (2) Readings on Leganto, and (3) Current materials distributed in class or made available on iLearn

The prescribed casebook is Media Law (2d edition) by David Rolph et al (Oxford 2015). This text provides a good foundation on which we will create media law for 2021

**Despite any information to the contrary, there are not weekly quizzes in this course.**

**There are two assessment tasks: (1) a research assignment, weighted 60% of total grade; and (2) a final exam, weighted 40%. Dates and description will be furnished on iLearn**

## Unit Schedule

### Coronavirus (COVID-19) Update

The unit schedule/topics and any references to on-campus delivery below may no longer be relevant due to COVID-19. Please consult [iLearn](#) for latest details, and check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

Our goal is to learn law in a very contemporary context. While details are provided on iLearn, and everything is subject to change, here are some of the subjects that we will be dealing with:

1. Media and Entertainment - what are they? Are they the same?
2. Freedom of expression
3. A bit of copyright law

4. The Nature of Media
5. Media in the Digital Age
6. Computer games as media
7. Restraints on freedom of expression - defamation, privacy, obscenity (whatever that means in 2020), censorship and suppression
8. Law of the Internet
9. Law of Social Media

## 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.*)

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 \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

## 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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## 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)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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.

## Changes from Previous Offering

Media law is constantly changing in an attempt to keep up with changing media. In 2020, we address some copyright basics because that is essential to dealing with the new media - especially social media and computer gaming.

In addition we use a more theoretical approach to prepare for a changing media environment.