



# LAWS8097

## Media Law and Culture

Session 1, Special circumstances, Other 2021

*Macquarie Law School*

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#### **Disclaimer**

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#### **Notice**

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

Daniela Simone

Harry Melkonian

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

## General Assessment Information

Some Explanation on the Assessments:

1. Weekly quizzes are based on discussions in the tutorials/OCS and will usually take place during these classes (20% of final grade). This makes attendance at the tutorials/OCS very important. See iLearn for further details.

2. Program Advice Exercise/Professional writing (30% of final grade) will be on a topic to be assigned on iLearn. It is due by 5.00PM on Thursday 22 April 2021

3. The Essay (50% of final grade) will be a research paper on a topic to be assigned on iLearn. It is due by 5.00PM on Wednesday 2 June 2021

### Late Submission Penalty

*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.*

## Assessment Tasks

| Name                                    | Weighting | Hurdle | Due                  |
|---|-----------|--------|----------------------|
| <a href="#">Weekly quizzes</a>          | 20%       | No     | During OCS/Tutorials |
| <a href="#">Program advice exercise</a> | 30%       | No     | 22/04/21             |
| <a href="#">Research Essay</a>          | 50%       | No     | 02/06/21             |

### Weekly quizzes

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 6 hours

Due: **During OCS/Tutorials**

Weighting: **20%**

Students will complete a weekly quiz that will relate to the topic due to be studied that week.

On successful completion you will be able to:

- Demonstrate an advanced and integrated understanding of how Australia regulates important aspects of the media.

## Program advice exercise

Assessment Type <sup>1</sup>: Professional writing

Indicative Time on Task <sup>2</sup>: 7 hours

Due: **22/04/21**

Weighting: **30%**

Students will be asked to write an advice in relation to a hypothetical script for a proposed radio or television item.

On successful completion you will be able to:

- Apply key and relevant aspects of Australian media regulation to resolve real or hypothetical situations.
- Provide advice in relation to some typical legal challenges encountered by journalists and media outlets in Australia.

## Research Essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 50 hours

Due: **02/06/21**

Weighting: **50%**

Students will submit a research essay analysing topics on media law

On successful completion you will be able to:

- Demonstrate an advanced and integrated understanding of how Australia regulates important aspects of the media.
- Demonstrate a sophisticated understanding of medium-neutral and medium-specific speech regulation as compared across at least two jurisdictions.
- Critically analyse the relevance of different theoretical frameworks as they apply to aspects of media law

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this

type of assessment

- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

Media law - is this something different from entertainment law? Yes and no. In this course, our emphasis will be on 21st Century media, which, through social media, typically is entertainment. In addition to considering legal questions relevant to 'traditional media' (newspapers, radio, and television), we will try to bring the subject into the 21st Century with media that is more prevalent - the Cyber World. This contemporary focus contains some challenges as the law is far from settled and judges and lawmakers must apply old law into new environments. Just consider, as newspapers fail around the world, computer gaming has grown to the point where gaming now generates more money annually than free to air 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 times, 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, there is a significant component of media theory in this course so that as lawyers, you will be better equipped to deal with whatever the future will bring. We make good use of Canadian media theorist Marshall McLuhan who relished controversy, taunted academics (though he was one) and was a popular television personality in his own right.

This course contains 13 weekly topics that are described on iLearn page. Power Point slides accompany each lecture. The lectures are only available on ECHO recordings and all recordings are new for 2021. Lectures will be conducted by Harry Melkonian (weeks 1-3, and 7-13) and Daniela Simone (weeks 4-6). Tutorials/OCS will be led by Daniela Simone.

Attendance and participation in the tutorials/OCS are absolutely essential to successful completion of this course and some of the assessment will be derived from the materials addressed in these classes.

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!

## Unit Schedule

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 topics we will be dealing with:

- Media and Entertainment - What are they? Are they the same?
- The Nature of Media

- Freedom of Expression
- Media in the Digital Age
- Intellectual Property Issues (owning and using media content)
- Challenges to traditional media business models
- Restraints on Freedom of Expression - defamation, privacy, copyright, obscenity (whatever that means in the 21st Century), censorship, contempt of court and suppression
- Law of the Internet
- Law of Social Media

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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

This year the course includes a more detailed discussion of the role of intellectual property law as means of regulating the ownership and use of media content. We also add more content on how the digital environment disrupts traditional media business models.

Lectures will be divided between two teachers: Daniela Simone and Harry Melkonian.

Daniela Simone will deliver the tutorials/OCS.

**As per University and departmental policy, students should not send emails to faculty**

**members but should exclusively communicate through the iLearn communication facilities:**

- **Any questions about the unit content, classes or assessments should be posted in this discussion forum - not in private messaging. Please ensure you have read the Unit Guide and instructions on iLearn carefully before posting questions about textbooks or assessments. The unit convenor will check the forum regularly and will endeavour to respond to questions within 2 working days.**
- **Communications that are directed to Dr Melkonian should so indicate in the subject line.**
- **For messages about your own personal circumstances, please use the private chat function on iLearn.**