



# LAWS5084

## Media Law

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 Harry Melkonian  Daniela Simone
Credit points 10
Prerequisites (130 cp in LAW or LAWS units) or (130cp including MMCC2014 or MAS214)
Corequisites
Co-badged status
Unit description 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? These issues are regulated under Media Law. While focusing on Australia, this unit takes an international and comparative perspective to analysing how media issues are regulated. Students will examine topics such as the day-to-day legal restrictions on the media and 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:

**ULO1:** Demonstrate an advanced knowledge of how Australia regulates important aspects of the media.

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

**ULO3:** Provide advise in relation to potential legal challenges encountered by journalists and media outlets in Australia.

**ULO4:** 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.

**ULO5:** Apply theoretical frameworks in order to evaluate Australian media regulation vis-a-vis that of a comparator jurisdiction.

## General Assessment Information

Some Explanation on the Assessments:

1. The Essay (40%) 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 4 May 2021
2. Program Advice Exercise/Professional writing will be in the format of an online mid-term examination (20% of final grade) on 24 April 2021 between 1PM and 3PM + reading time
3. Weekly quizzes consist of weekly discussion in the tutorials. This will be merged with the Quiz Test (effectively a final examination) for assessment purposes for a total of 40% of final grade. We will discuss this format in the tutorials. This makes attendance at the tutorials very important. This assessment will be online on Tuesday 15 June from 1 - 3 PM + reading time

### 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="#">Final online assessment</a>	20%	No	15/06/2021
<a href="#">Research Essay</a>	40%	No	04/05/2021
<a href="#">Weekly quizzes</a>	20%	No	15/06/2021
<a href="#">Program advice exercise</a>	20%	No	24/04/2021

### Final online assessment

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

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

Due: **15/06/2021**

Weighting: **20%**

Students will complete a two-hour, timed online assessment

On successful completion you will be able to:

- Demonstrate an advanced knowledge of how Australia regulates important aspects of the media.
- Apply key and relevant aspects of Australian media laws and regulation to resolve real or hypothetical situations
- Provide advise in relation to potential 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>: 35 hours

Due: **04/05/2021**

Weighting: **40%**

Students will submit a research essay on a topic relevant to media law

On successful completion you will be able to:

- Demonstrate an 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.

## Weekly quizzes

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

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

Due: **15/06/2021**

Weighting: **20%**

Students will complete a brief quiz weekly

On successful completion you will be able to:

- Demonstrate an advanced knowledge 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: **24/04/2021**

Weighting: **20%**

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 laws and regulation to resolve real or hypothetical situations
- Provide advice in relation to potential legal challenges encountered by journalists and media outlets in Australia.

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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. Unlike traditional media law courses that focus on 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 are determined to squeeze 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, 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. While this may sound dreary, 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 in the iLearn website. Power Point slides accompany each lecture. The lectures are only available on ECHO recordings. All recordings are new for 2021. Unfortunately live lectures have been cancelled by the university. I regret this development as the live lectures made the recordings more engaging because I could see student reaction as the discussion progressed. Lectures in weeks 1 - 3, and 7 - 13 will be conducted by Harry Melkonian. Lectures for weeks 4 - 6 will be conducted by Daniela Simone.

**All of the tutorials will be delivered via Zoom. Harry Melkonian will conduct the tutorials. There will not be any on-campus sessions. The scheduling of tutorials is being adjusted so that students will have an opportunity to explore material covered in the second half of the course. Please be alert to announcements. The present plan is to conduct a 6 hour Zoom session on Saturday 17 April and a 6 hour Zoom session on Saturday 29 May.**

Attendance and participation in the tutorials are absolutely essential to successful completion of this course. Assessment topics are 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

## 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 subjects that we will be dealing with:

1. Media and Entertainment - what are they? Are they the same?
2. Freedom of expression
3. Intellectual Property Issues
4. The Nature of Media
5. Media in the Digital Age
6. Computer games as media
7. Restraints on freedom of expression - defamation, privacy, copyright, obscenity (whatever that means in the 21st Century), censorship, contempt of court and suppression
8. Law of the Internet
9. Law of Social Media
10. Emerging Internet Technology

## 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](https://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

**All of the tutorials will be delivered via Zoom. Harry Melkonian will conduct the tutorials. There will not be any on-campus sessions. The scheduling of tutorials is being adjusted so that students will have an opportunity to explore material covered in the second half of the course. Please be alert to announcements. The present plan is to conduct a 6 hour Zoom session on Saturday 17 April and a 6 hour Zoom session on Saturday 29 May.**

Media law is rapidly evolving. In 2020, we closely examined the Tik-Tok phenomenon. Today, the rise of Tik-Tok is yesterday's news but its impact is still unfolding. The emerging technology in 2021 includes Starlink which may revolutionise the Internet as we now know it. As we are confronted with the possibility of 40,000 Starlink satellites orbiting the Earth providing worldwide superfast internet connections. The internet continues to challenge traditional territorial based legal regimes. In this tradition-bound legal environment, how will Australia and other nations deal with Starlink?

Another current issue is the ongoing tension between the new media and the mouldy oldies (Newspapers etc). We will look at attempts by the Australian government to compel new media (such as Google) to subsidise the old media by forced payment for content that is sourced from old media sources. As of January 2021, Google is reportedly burying News Corporation content within the search engine algorithms, possibly to avoid financial subsidisation of News Corp. From a theoretical point of view, are these forced subsidies desirable? What can they achieve? As we will see, Marshall McLuhan, a half century ago, addressed this type of conduct and its



likely futility.

Another change from prior offerings will be substantial discussion of copyright and media. These discussions will be conducted in Weeks 4 - 6 and will be discussed in greater detail in iLearn

Instruction will be divided between two teachers: Daniela Simone and Harry Melkonian. Daniela Simone will be responsible for three lectures (Weeks 4 - 6).

**As per University and departmental policy, students should not send emails to 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 the discussion forum - not in private messaging. The unit convenor will check this forum regularly and will endeavour to respond to questions within 2 working days. Please ensure you have read the Unit Guide carefully before posting questions about textbooks or assessments. For private messages about your own personal circumstances, please use the private chat function on iLearn. Communications that are directed to Dr Simone should so indicate in the subject line.**