



# LAWS5029

## Law and Technology

Session 1, Special circumstances 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

Convenor and Lecturer

Niloufer Selvadurai

[Contact via iLearn communications portal](#)

Contact via Contact via iLearn communications portal

6 First Walk, Room 621

Fridays 9-10am during teaching term

Lecturer

Connor Hogg

Tutor and OCS

Julian Dight

Tutor

Suman Podder

Tutor

Vannessa Ho

Credit points

10

Prerequisites

(130cp in LAW or LAWS units) or (130cp including MMCC2014 or 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:

**ULO1:** Describe the fundamental principles of information technology law and articulate the specific rules of information technology law derived from legislation and case law.

**ULO2:** Critically analyse issues in information technology law and synthesise legal scholarship from both national and international sources

**ULO3:** Analyse and contribute to policy debates and law reform discourse as applied to new and emerging technologies.

## General Assessment Information

### Class participation

Duration: **Tutorials 1-12 (internal students) and On Campus Session (external students)**

Weighting: **20%**

The tutorials are designed to extend the comprehensive and broad overview of technology 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 preparation** - Students are expected to listen to lectures on Echo on iLearn, complete the required readings (both the prescribed chapter of the textbook and the prescribed journal article reading(s)) and come ready to discuss the questions outlined in the Tutorial Discussion Questions.

**Where can I find the tutorial questions?** - The tutorial questions for each tutorial are found in the LAWS 5029 iLearn site, arranged under relevant weeks.

**Where can I find the tutorial readings?** The Tutorial Readings can be found on Leganto on ilearn, arranged under relevant weeks.

### **What do I do if I miss a tutorial or OCS session?**

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

If you miss **one or more consecutive tutorials or OCS sessions**, please lodge an Ask Special Consideration application online at [ask.mq.edu.au](https://ask.mq.edu.au).

### **On campus session**

External students are required to attend all 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 5029 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 date:** 1 April 2021 (Week 6)

Weighting: **40%**

### **2021 Research Assignment Question**

What is the Internet of Things (IoT)? What are some of the legal challenges to data privacy posed by the IoT? How effective is Australia's current privacy law in protecting data collected by large IoT systems? Discuss with reference to relevant legislation and law reform discourse documents. While focusing on Australian law and policy, you may also refer to international law reform discourse in the field.

**Independent legal research:** Please note that responding to this assignment question will require **independent legal research** that goes beyond the prescribed materials provided in lectures, tutorials and readings.

**Word limit** = 2,000 words, not including footnotes and bibliography. Footnotes need to be confined to citations. Citations should be in compliance with the *Australian Guide to Legal*

*Citation.*

**Submission method:** All papers have to be submitted via Turnitin on the LAWS 5029 ilearn. Please ensure that you are wholly happy with your paper before submitting. The system does not allow for automatic re-submission.

**Marking Rubric for Research Assignment:** Please see LAWS 5029 ilearn page.

**Moderation:** The markers and convenor have a series of meeting to moderate the papers. The markers and convenor then undertake a process of blind marking of 10% of papers to establish an accurate and equitable marking standard. All Fail papers are double marked by the convenor.

### **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.*

### **Other relevant information**

Please note that plagiarism detection software is used in this unit.

On successful completion you will be able to:

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

## **Final Time-Limited Assessment**

Due: **Monday 7 June, 10am-5pm** (Week 14)

Weighting: **40%**

### **Content**

The Final Time-Limited 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**

7 Hours

**Rubric for Final Assessment:** The Rubric for the Final Assessment is available on ilearn.

### **Moderation**

The markers and convenor have a series of meeting to moderate the papers. the markers and convenor undertake a process of blind marking of 10% of papers to establish an accurate and equitable marking standard. The rubric used in marking is available on ilearn. 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.

**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.**

**The Late Submission Penalty Policy will not apply to this assessment task as this is a timed assessment task.**

### **Other relevant information**

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.

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

## **Assessment Tasks**

<b>Name</b>	<b>Weighting</b>	<b>Hurdle</b>	<b>Due</b>
<u><a href="#">Class participation</a></u>	20%	No	Weeks 1-12
<u><a href="#">Research Assignment</a></u>	40%	No	01/04/21 (Week 6)
<u><a href="#">Final Time Limited Assessment</a></u>	40%	No	07/06/21, 10am-5pm (Week 14)

## Class participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 12 hours

Due: **Weeks 1-12**

Weighting: **20%**

Students will participate in a variety of in class or online activities including discussions, debates and problem solving tasks based on the unit readings and lecture material

On successful completion you will be able to:

- Describe the fundamental principles of information technology law and articulate the specific rules of information technology law derived from legislation and case law.
- Critically analyse issues in information technology law and synthesise legal scholarship from both national and international sources
- Analyse and contribute to policy debates and law reform discourse as applied to new and emerging technologies.

## Research Assignment

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

Indicative Time on Task <sup>2</sup>: 35 hours

Due: **01/04/21 (Week 6)**

Weighting: **40%**

The Research Assignment task requires students to undertake detailed and comprehensive research on a particular issue in information technology law and construct a sophisticated and analytical argument to addresses the question presented.

On successful completion you will be able to:

- Describe the fundamental principles of information technology law and articulate the specific rules of information technology law derived from legislation and case law.
- Critically analyse issues in information technology law and synthesise legal scholarship from both national and international sources
- Analyse and contribute to policy debates and law reform discourse as applied to new and emerging technologies.

## Final Time Limited Assessment

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

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

Due: **07/06/21, 10am-5pm (Week 14)**

Weighting: **40%**

The Final Assessment task consists of questions covering all material taught in the unit. These questions may essays and/or problem solving tasks

On successful completion you will be able to:

- Describe the fundamental principles of information technology law and articulate the specific rules of information technology law derived from legislation and case law.
- Critically analyse issues in information technology law and synthesise legal scholarship from both national and international sources

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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

### Prescribed textbook

- B Fitzgerald, A Fitzgerald, et al, *Internet and E-Commerce Law: Technology, Law and Policy*, Thomson Lawbook Co, 2nd edition, 2011. (Whilst old, this is the only comprehensive textbook on Australian IT law. Being a niche market, there is a lack of in-depth textbooks in this area)

### Tutorial readings

- In addition to the prescribed text book, it is necessary to read the materials cited in the Tutorial Questions. The Tutorial Questions are found on the iLearn site. The Tutorial Readings are also found on the iLearn site. Additional optional readings are also provided at this location.

### 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 Pr](#)



[ess, 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 commencing	Lecture (Uploaded on Echo)	Tutorial	Reading for Lecture	Reading for Tutorial	
1		Lecture 1: Introduction	Tutorial 1	Fitzgerald Chapter 1	Reading prescribed under Week 1 on ilearn
2		Lecture 2: Jurisdiction	Tutorial 2	Fitzgerald, Chapter 2	Reading prescribed under Week 2 on ilearn

3		Lecture 3: Online contracts I	Tutorial 3	Fitzgerald, Chapter 7	Reading prescribed under Week 3 on ilearn
4		Lecture 4: Online contracts II	Tutorial 4	Fitzgerald, Chapter 7	Reading prescribed under Week 4 on ilearn
5		Lecture 5: Data privacy law	Tutorial 5	Fitzgerald, Chapter 10	Reading prescribed under Week 5 on ilearn
6	<b>RESEARCH ASSIGNMENT IS DUE - Thursday April 2021</b>	Lecture 6: Trade marks and domain names	Tutorial 6	Fitzgerald, Chapter 6	Reading prescribed under Week 6 on ilearn
7	<b>RECESS</b>	Lecture 7: Content Regulation	Tutorial 7	Fitzgerald Chapter 3	Reading prescribed under Week 7 on ilearn
8		Lecture 8: Copyright and technology law I	Tutorial 8	Fitzgerald, Chapter 4	Reading prescribed under Week 8 on ilearn

9		Lecture 9: Copyright and technology law II	Tutorial 9	Fitzgerald, Chapter 4	Reading prescribed under Week 9 on ilearn
10		Lecture 10: Cybercrime	Tutorial 10	Fitzgerald, Chapter 11	Reading prescribed under Week 10 on ilearn
11		Lecture 11: Online Consumer Protection and Competition	Tutorial 11	Fitzgerald, Chapter 8	Reading prescribed under Week 11 on ilearn
12		Lecture 12: Patents and technology law	Tutorial 12	Fitzgerald, Chapter 5	Reading prescribed under Week 12 on ilearn
<b>FINAL TIMED ASSESSMENT - Monday 7 June, 10am-5pm via Turnitin</b>					

## 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](http://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.