LAWS8097

Media Law and Culture

Session 1, Online-scheduled-weekday 2022

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
Harry Melkonian

Daniela Simone

Credit points
10

Prerequisites
Admission to LLM or (Admission to JD and LAWS600 or LAWS8001)

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 legal challenges encountered in the context of media regulation in Australia.
>
> **ULO4:** Demonstrate a sophisticated understanding of different kinds of 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. Program Advice Exercise/Professional writing (50% of final grade) will be on a topic to be assigned on iLearn. It is due by 5.00PM on Sunday 24 April 2022

2.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 Sunday 5 June 2022

Late Assessment Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven 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 exceeding the word limit will not be graded. Citations should conform to the current version of the AGLC

All assessments in this unit are to be submitted electronically. Plagiarism detection software is used in this unit. Exams may only be submitted once - once submitted they cannot be withdrawn

With respect to moderation, detailed rubrics will be made available on iLearn. All fail papers are double-marked by the Unit Convenor

Assessment Tasks

Name	Weighting	Hurdle	Due
Professional advice	50%	No	24/04/2022
Research Essay	50%	No	05/06/2022

Professional advice

Assessment Type [1]: Professional writing
Indicative Time on Task [2]: 30 hours
Due: **24/04/2022**
Weighting: **50%**

Students will be asked to prepare professional advice, which may take the form of legal advice to a client or proposal for law reform.

On successful completion you will be able to:
- Demonstrate an advanced and integrated understanding of how Australia regulates important aspects of the media.
- Apply key and relevant aspects of Australian media regulation to resolve real or hypothetical situations.
- Provide advice in relation to legal challenges encountered in the context of media regulation in Australia.

Research Essay

Assessment Type [1]: Essay
Indicative Time on Task [2]: 33 hours
Due: **05/06/2022**
Weighting: **50%**

Students will be asked to submit a research essay analysing topics in media law.

On successful completion you will be able to:
- Demonstrate a sophisticated understanding of different kinds of 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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[1] 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.

[2] 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

Our emphasis will be on the internet in 2022. Although increasingly less relevant, law of 'traditional media' (newspapers, radio, and television) continues to inform the law of the internet. Consequently, we learn much of the law through more traditional media. As these laws have been imposed on the internet, the traditional laws continue to be relevant even if cumbersome and inappropriate. However, the focus of this course will be on more contemporray applications such as social media and whatever is going to be new media over the next 5 years. Just consider, as newspapers fail around the world, computer gaming has grown to the point where gaming now generates more annual revenue 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 law is incredibly out of date and overreacting.

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 12 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 2022. Lectures will be conducted by Daniela Simone (weeks 1-3) and Harry Melkonian (weeks 4-12). Face to face Tutorials and OCS Online Tutorials for all weeks will be led by Harry Melkonian.

Because tutorials normally follow a week behind the lectures, the tutorials commence in Week 2 and the Lectures commence in Week 1. The lectures terminate in week 12 and the tutorials end in Week 13.

Face to Face (F2F) Tutorials commence in Week 2 and will continue through Week 13

OCS Tutorials will be online via Zoom and will also commence in Week 2. There will be a total of six two-hour sessions. The final session will be in Week 13

Attendance and participation in the F2F tutorials and 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. **It is expected that cameras will be turned on during all of the Zoom tutorials.**

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 2022

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 depending on current events. Here are the primary topics we will be dealing with:

- Online Intermediary Liability in Australia - What's Happening?

- The Nature of Media

- Freedom of Expression

- 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 Social Media

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (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

- Assessment Procedure

- Complaints Resolution 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). 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) 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 or if you are a Global MBA student contact globalmba.support@mq.edu.au

Academic Integrity

At Macquarie, we believe academic integrity – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free online writing and maths support, academic skills development and wellbeing consultations.

Student Support

Macquarie University provides a range of support services for students. For details, visit http://students.mq.edu.au/support/

The Writing Centre

The Writing Centre provides resources to develop your English language proficiency, academic writing, and communication skills.

- Workshops
- Chat with a WriteWISE peer writing leader
- Access StudyWISE
- Upload an assignment to Studiosity
- Complete the 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

Macquarie University offers a range of Student Support Services including:

- IT Support
- Accessibility and disability support with study
- Mental health support
- Safety support to respond to bullying, harassment, sexual harassment and sexual assault
- Social support including information about finances, tenancy and legal issues

Student Enquiries

Got a question? Ask us via AskMQ, or contact Service Connect.

IT Help

For help with University computer systems and technology, visit 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

Face to face Tutorials commence in Week 2

OCS Tutorials will be online via Zoom and will commence in Week 2. There will be a total of six two-hour sessions, ending in Week 13.

Defamation liability of online intermediaries is a major issue in Australia, especially in light of the 2021 High Court decision in Fairfax Media v Voller. In light of the Voller case, Australia is attempting to modernise its defamation law. This is a work in progress and will receive substantial attention.

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 Simone should so indicate in the subject line.**
- **For messages about your own personal circumstances, please use the private chat function on iLearn.**