



# LAWS5084

## Media Law

Session 1, Online-scheduled-weekday 2022

*Macquarie Law School*

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### **Disclaimer**

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## General Information

Unit convenor and teaching staff Daniela Simone  Harry Melkonian
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 advice in relation to potential legal challenges encountered by, for example, media creators, users or publishers in Australia.

**ULO4:** Critically analyse the relevance of different theoretical frameworks and/or

different jurisdictional approaches as they apply to aspects of media law

## General Assessment Information

Some Explanation on the Assessments:

1. Professional advice (50% of final grade) will be on a topic to be assigned on iLearn and due on 31 March 2022 by 5pm.
2. Research Essay (50% of final grade) will be on a topic to be assigned on iLearn and due on 3 June 2022 by 5pm.

### 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.*

All assessments are submitted electronically. Turnitin plagiarism detection software is used to check all written assessments.

Students should carefully check that they submit the correct file for an assessment as no re-submissions will be accepted after the due date and time, including instances where students upload an incorrect file in error.

Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing. Referencing must conform to the requirements set out in the current version of Australian Guide to Legal Citation.

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

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#"><u>Research Essay</u></a>	50%	No	03/06/22
<a href="#"><u>Professional advice</u></a>	50%	No	31/03/22

## Research Essay

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

Indicative Time on Task <sup>2</sup>: 25 hours

Due: **03/06/22**

Weighting: **50%**

Students will be asked to submit an essay analysing topics in media law. This task may (or may not) take place in timed conditions.

On successful completion you will be able to:

- Demonstrate an advanced knowledge of how Australia regulates important aspects of the media.
- Critically analyse the relevance of different theoretical frameworks and/or different jurisdictional approaches as they apply to aspects of media law

## Professional advice

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

Indicative Time on Task <sup>2</sup>: 25 hours

Due: **31/03/22**

Weighting: **50%**

Students will be asked to prepare professional advice (for example, legal advice to a client or proposal for law reform). This task may (or may not) take place in timed conditions.

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 advice in relation to potential legal challenges encountered by, for example, media creators, users or publishers 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 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 alws continue to be relevant. 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.

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 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. Lectures will be conducted by Daniela Simone (weeks 1-2) and Harry Melkonian (weeks 5-12).

**Tutorials commence in Week 2 and continue through Week 13 (tutorials follow a week behind the lectures).** Attendance and participation in the tutorials is essential to successful completion of this course. **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:

- The Nature of Media
- Freedom of Expression
- Restraints on Freedom of Expression - defamation, privacy, copyright, obscenity (whatever that means in the 21st Century), censorship, contempt of court and

suppression

- Intellectual Property Issues (owning and using media content)
- Online Intermediary Liability in Australia - What's Happening?
- 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#)

Students seeking more policy resources can visit [Student Policies \(https://students.mq.edu.au/support/study/policies\)](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)

## 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/](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

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 the 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.

## Changes since First Published

Date	Description
17/02/2022	Minor change to unit schedule description