



# LAWS5011

## Discrimination and the Law

Session 1, Online-scheduled-weekday 2023

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

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|---|
| Unit convenor and teaching staff<br>Convener<br>Therese MacDermott<br>Contact via ilearn site   |
| Credit points<br>10   |
| Prerequisites<br>(130cp in Law or LAWS units) or (130cp including LAWS260 or LAWS2060)  |
| Corequisites  |
| Co-badged status  |
| Unit description<br>This unit aims to give students a grounding in both the theoretical and practical application of Australia's existing anti-discrimination regulatory framework. The unit introduces students to critical debates regarding what is discrimination, what anti-discrimination legislation is designed to achieve, and how best can law address inequality and discrimination. The unit also examines the legal form in which discrimination is regulated. It requires students to come to terms with the legal concepts of direct and indirect discrimination, the construction of the various grounds of discrimination, the application of the prohibitions in specified contexts, as well as defences and exemptions that apply. |

## 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:** analyse and critique the role of law in addressing inequality and discrimination
- ULO2:** contrast different theoretical approaches to equality and non-discrimination
- ULO3:** explain what constitutes unlawful discrimination and how a complaint of unlawful discrimination is pursued within the current regulatory framework
- ULO4:** locate and analyse relevant primary and secondary sources relating to discrimination law
- ULO5:** critique reform options and proposals in the field of discrimination law

## General Assessment Information

### Late Assessment Submission Penalty

Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of, 0 (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

## Assessment Tasks

| Name                                       | Weighting | Hurdle | Due               |
|--|-----------|--------|-------------------|
| <a href="#">Participatory tasks</a>        | 15%       | No     | on-going          |
| <a href="#">Online Quiz</a>                | 15%       | No     | 29/03/23 5-8pm    |
| <a href="#">Research essay</a>             | 40%       | No     | 3/05/23 11.55pm   |
| <a href="#">Take-home Final Assessment</a> | 30%       | No     | 08/06/23 10 - 2pm |

### Participatory tasks

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

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **on-going**

Weighting: **15%**

A series of participatory tasks scheduled throughout the semester to monitor student progress and participation in the unit. These may include reflective task, reporting back from a group discussion, participating in role plays, discussions and other exercises, commenting on readings, and contributions to discussions.

On successful completion you will be able to:

- analyse and critique the role of law in addressing inequality and discrimination
- contrast different theoretical approaches to equality and non-discrimination
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- critique reform options and proposals in the field of discrimination law

## Online Quiz

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

Indicative Time on Task <sup>2</sup>: 10 hours

Due: **29/03/23 5-8pm**

Weighting: **15%**

On-line quiz based on content covered in the early part of the course

On successful completion you will be able to:

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## Research essay

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

Indicative Time on Task <sup>2</sup>: 30 hours

Due: **3/05/23 11.55pm**

Weighting: **40%**

This task requires students to engage in in-depth research and reading from a wide range of sources, from which they will develop well-supported arguments. In writing the essay, students will demonstrate their ability to critically analyse the core issues raised by a topic, as well as an understanding of the context, relevant case law, and the broader public policy issues involved.

On successful completion you will be able to:

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- contrast different theoretical approaches to equality and non-discrimination
- locate and analyse relevant primary and secondary sources relating to discrimination law
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## Take-home Final Assessment

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

Indicative Time on Task <sup>2</sup>: 15 hours

Due: **08/06/23 10 - 2pm**

Weighting: **30%**

A timed assessment task for which all unit content may be relevant

On successful completion you will be able to:

- explain what constitutes unlawful discrimination and how a complaint of unlawful discrimination is pursued within the current regulatory framework
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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

Lectures published on iLearn.

In person and on-line weekly tutorials.

Text Book - Neil Rees, Simon Rice & Dominique Allen, ***Australian Anti-discrimination and equal opportunity law (3rd, 2018)***.

Other learning resources made available through Leganto.

## Unit Schedule

Week 1 Introduction.

Week 2 Equality theory, the influence of international law and the constitutional dimensions.

Week 3 Pursuing a discrimination complaint.

Week 4 Direct Discrimination

Week 5 Indirect Discrimination

Week 6 Sex Discrimination

Week 7 Disability Discrimination

Week 8 Disability Discrimination & Age Discrimination

Week 9 Race Discrimination

Week 10 Sexual Orientation, Gender Identity and Intersex Status Discrimination

Week 11 Harassment

Week 12 Vilification

Week 13 The potential and limitations of anti-discrimination laws

## **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](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)

## 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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

## 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.