LAWS5029

Law and Technology

Session 1, In person-scheduled-weekday, North Ryde 2025

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
Convenor and Lecturer
Niloufer Selvadurai
Contact via iLearn communications portal
Contact via Contact via iLearn communications portal
Michael Kirby Building, Wallys Walk, Room 313
Consultation hours will be notified on iLearn

Lecturer
Marie-Eve Loiselle
N/A
Contact via N/A
N/A
None

Tutor
Atia Naznin
N/A
Contact via N/A
N/A
None

Credit points
10

Prerequisites
(130cp in LAW or LAWS units) or (130cp including MMCC2014 or MAS214)

Corequisites

Co-badged status

Unit description
Digital developments and emerging technologies present the law with a myriad of different challenges. This unit analyses the legal issues raised by networked digital technologies. Topics covered include establishing the country which has jurisdiction to hear a multinational internet dispute, the nature of copyright, patent and trademark protection for technological innovations, the governance of domain names, the protection of digital privacy, internet content control, social media governance, cybercrime and cyber security law. In each case, both existing legal frameworks and evolving law reform discourse are analysed and critiqued.

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

- **Submission -** All assessments must be submitted electronically. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

- **Turnitin plagiarism detection software** is used to check all written assessments.

- **Word limits -** Word limits are strictly applied. Work above the word limit will not be marked. Footnotes are to be used only for referencing.

- **Referencing -** Referencing must conform to the requirements set out in the Australian Guide to Legal Citation 4th edition.

- **Late submission penalty policy** - 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 submission penalty policy will apply to non-timed sensitive assessments (incl essays, reports, posters, portfolios, journals, recordings etc).

- **Late submission of time-sensitive tasks** - 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.

- **Special Consideration** - Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration Policy (link provided under 'Policies and Procedures' below). **Please do not email to request an extension or email to seek the outcome of a lodged application via email. No information can be provide via email, all information will be provided via the Ask system.**

Class participation

Duration: **Tutorials 1-12**

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 LAWS5029 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?

If you miss **one** tutorial, 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,* please lodge an Ask Special Consideration application online at *ask.mq.edu.au*.

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.**

Research Assignment

Weighting: 40%

2025 Research Assignment Question and Turnitin Icon

* *Please see* iLearn website under the banner of 'Assessment'. Then see 'Research Assignment' and then '2025 Research Assignment Question and SubmissionTurnitin icon'.

The Question will be available in Week 1 of semester on iLearn.

Notes

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 LAWS5029 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.

Final Time-Limited Assessment

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

3 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.

The Late Submission Penalty Policy will <u>not</u> apply to this assessment task as this is a timed assessment task.

Assessment Tasks

Name	Weighting	Hurdle	Due
Class participation	20%	No	Tutorials 1-12
Research Assignment	40%	No	2025-04-10
Final Time Limited Assessment	40%	No	2025-06-16

Class participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 0 hours
Due: **Tutorials 1-12**
Weighting: **20%**

Students will participate in a variety of 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 [1]: Essay
Indicative Time on Task [2]: 23 hours
Due: **2025-04-10**
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 [1]: Quiz/Test
Indicative Time on Task [2]: 7 hours
Due: **2025-06-16**
Weighting: **40%**

The Final Assessment task consists of questions covering all material taught in the unit. These questions may include 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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[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

Prescribed textbook

Legal Issues in Information Technology Law, **M Perry, A Roy, M de Zwart, M Adams, N Selvadurai, H Forrest, M Cormier & S McKenzie, 2022, First edition**

ISBN: 9780455245140 $99.00

Where to purchase

- **Directly via the Thomson Reuters website:** https://legal.thomsonreuters.com.au/student/
- **Online Resellers:**

Also -

Booktopia: https://www.booktopia.com.au/

Amazon: https://www.amazon.com.au/

Zookal: https://www.zookal.com/

Further optional reading (more detailed but old)

- 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 a very detailed and comprehensive textbook on Australian IT law.)

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 accessed via **Leganto on iLearn**. 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 Press, 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 the iLearn page.

Unit Schedule

Week commencing	Lecture (Uploaded on Echo)	Tutorial	Reading for Lecture	Reading for Tutorial

1		Lecture 1: Introduction and Theoretical Frameworks	Tutorial 1		Reading prescribed under Week 1 on ilearn
2		Lecture 2: Internet Jurisdiction	Tutorial 2		Reading prescribed under Week 2 on ilearn
3		Lecture 3: AI Regulation	Tutorial 3		Reading prescribed under Week 3 on ilearn
4		Lecture 4: Electronic Contracts and Blockchain Smart Contracts Law	Tutorial 4		Reading prescribed under Week 4 on ilearn
5		Lecture 5: Data Privacy Law	Tutorial 5		Reading prescribed under Week 5 on ilearn
6		Lecture 6: Trade Marks and Domain Names Law	Tutorial 6		Reading prescribed under Week 6 on ilearn
7	**RESEARCH ASSIGNMENT IS DUE in Week 7, Thursday 10 April 2025, 11.55pm - The Question will be on iLearn LAWS5029 under 'Assessment' from Week 1** **RECESS**	Lecture 7: Online Content and Social Media Regulation	Tutorial 7		Reading prescribed under Week 7 on ilearn

8		Lecture 8: Digital Copyright Law	Tutorial 8		Reading prescribed under Week 8 on ilearn
9		Lecture 9: Digital Patents Law	Tutorial 9		Reading prescribed under Week 9 on ilearn
10		Lecture 10: Cybercrime and Cybersecurity Law	Tutorial 10		Reading prescribed under Week 10 on ilearn
11		Lecture 11: Digital Competition and Consumer Law	Tutorial 11		Reading prescribed under Week 11 on ilearn
12		Lecture 12: Technology and Human Rights Law	Tutorial 12		Reading prescribed under Week 12 on ilearn
Week 14	**FINAL TIMED ASSESSMENT - Monday 16 June 2025 - To access Questions see iLearn LAWS5029 under 'Assessment'. This icon will only appear at 10am on the day of the assessment.**				

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 connect.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 Advocacy provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via the Service Connect Portal, 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

Week 12 will be on *Technology and Human Rights*. Formerly, Week 12 was on *International Perspectives on Technology Law.*

Unit information based on version 2025.02 of the Handbook