



LAWS511

Discrimination and the Law

S1 Day 2019

Macquarie Law School

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General Information

Unit convenor and teaching staff

Associate Professor

Therese MacDermott

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Contact via Ilearn

Thursday 12-1pm

Tatiana Lozano

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Credit points

3

Prerequisites

(24cp in LAW or LAWS units) or LAWS260

Corequisites

(39cp at 100 level or above including (CUL321 or GEN320 or LAW314 or LAW315 or LAWS398 or LAWS399 or PHL351 or PHL352 or SOC325 or SOC329 or SOC350))

Co-badged status

Unit description

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:

Analyse and critique the role of law in addressing inequality and discrimination

Contrast different theoretical approaches to equality and non-discrimination

Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework

Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements

Locate and analyse primary and secondary materials in the area of equality and discrimination

Critique current reform options

General Assessment Information

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

Submissions made by the due date and time are final. Students are not permitted to re-submit after the due date.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Moderation: Detailed marking rubrics will be made available on iLearn and all Fail papers are double marked.

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|----------------------------|-----------|--------|--------------|
| <u>Class participation</u> | 15% | No | Ongoing |
| <u>Quiz</u> | 10% | No | 2 April 2019 |
| <u>Essay</u> | 45% | No | 2 May 2019 |
| <u>On-line exam</u> | 30% | No | 4 June 2019 |

Class participation

Due: **Ongoing**

Weighting: **15%**

You are required to attend and participate in the tutorials and on campus session, and the role plays, discussions, debates and any other activities undertaken. Tutors will engage in ongoing

assessment of student participation.

Students are expected to attend all tutorials or the complete program for the on campus session. Attendance will be recorded at all tutorials and all sessions of the on campus program.

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
- Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework
- Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements

Quiz

Due: **2 April 2019**

Weighting: **10%**

This piece of assessment requires students to answer 10 multiple choice questions (MCQs).

The exam will be open between 5pm and 8 pm on 2 April 2019. Students will have 30 minutes from when they log on to do the quiz.

The MCQs are drawn from a bank of questions and therefore will not present in the same order or as all the same questions for individual students. The order of the responses to individual questions is also electronically rotated so that what might be answer (a) for one student may appear as answer (c) for another student.

You should choose the **most correct** answer to each question.

This is a timed assessment and no late submissions will be accepted

On successful completion you will be able to:

- Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework
- Locate and analyse primary and secondary materials in the area of equality and discrimination

Essay

Due: **2 May 2019**

Weighting: **45%**

This piece of assessment requires students to write an essay of 2000 words based on one of the topics provided, or on a topic of their own choice.

Essay topics will be released through the ilearn site for this unit.

The essay must be submitted electronically via Ilearn by 5pm on 2 May 2019.

This assessment requires adherence to AGLC

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.

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
- Locate and analyse primary and secondary materials in the area of equality and discrimination
- Critique current reform options

On-line exam

Due: **4 June 2019**

Weighting: **30%**

The exam questions will be made available on ilearn on 4 June 2019 **between 12 noon and 8 pm.**

The answers to this exam are to be submitted electronically by 8pm on 4 June 2019 via iLearn.

The exam is designed to be completed in 4 Hours. The span of 8 hours is to make provision for other contingencies or commitments that may arise during the time of the exam (such as timetabled classes, work, or other responsibilities) and for students who require reasonable adjustments to the timing of assessments.

Instructions regarding the time frame and format of the exam will be made available via ilearn.

This is a timed assessment and no late submissions will be accepted

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
- Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements
- Critique current reform options

Delivery and Resources

Required text:

Neil Rees, Simon Rice, Dominique Allen (2018) *Australian Anti-Discrimination and Equal Opportunity Law*. (3rd ed).

Classes

There is a weekly two hour lecture and a one hour tutorial. There is a compulsory two days on campus session for external students

Technology Used and Required

Additional content for this unit is delivered online via iLearn

Assessments are all submitted online via iLearn

Students require regular and reliable internet access

Unit Schedule

Week 1 Introduction

Week 2 Equality theory, international law and 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 discrimination

Week 11 Harassment and Vilification

Week 12 Conclusion and overview

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](#) (**Note:** The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/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

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) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

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

If you are a Global MBA student contact 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/.

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.

Graduate Capabilities

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Assessment task

- Quiz

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Contrast different theoretical approaches to equality and non-discrimination
- Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements

Assessment tasks

- Class participation
- Quiz
- On-line exam

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Analyse and critique the role of law in addressing inequality and discrimination
- Describe and critique the existing institutional arrangements for pursuing discrimination complaints and ability to critique those arrangements
- Locate and analyse primary and secondary materials in the area of equality and discrimination
- Critique current reform options

Assessment tasks

- Class participation
- Essay
- On-line exam

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Analyse and critique the role of law in addressing inequality and discrimination
- Contrast different theoretical approaches to equality and non-discrimination
- Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework
- Locate and analyse primary and secondary materials in the area of equality and discrimination
- Critique current reform options

Assessment tasks

- Essay
- On-line exam

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework
- Critique current reform options

Assessment task

- Class participation

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Explain what is unlawful discrimination and how a complaint might be made within the current regulatory framework
- Critique current reform options

Assessment task

- Essay

Changes from Previous Offering

Changes to unit schedule and assessment tasks