



LAWS529

Information Technology Law

S1 External 2019

Macquarie Law School

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	7
<u>Unit Schedule</u>	8
<u>Learning and Teaching Activities</u>	10
<u>Policies and Procedures</u>	11
<u>Graduate Capabilities</u>	13

Disclaimer

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General Information

Unit convenor and teaching staff

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To be advised via the LAWS 529 ilearn site

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To be advised

To be advised

Lecturer and tutor

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To be advised

To be advised

Credit points

3

Prerequisites

(24cp in LAW or LAWS units) or (39cp at 100 level or above including MAS214)

Corequisites

Co-badged status

Unit description

Cyberspace presents the law with many challenges. This unit introduces the basic legal issues raised by networked digital technologies such as the internet. Topics as diverse as jurisdiction; proprietary rights (copyright, trademarks, patents, domain names); privacy; e-commerce and its framework; and selected others are discussed. The emerging law and leading policy debates concerning information technology are studied.

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:

Demonstrate an understanding of the fundamental principles of information technology law.

Articulate the specific rules of information technology law through closely examining legislation and case law.

Apply the law to hypothetical fact situations through analogising and distinguishing.

Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.

Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.

Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.

Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment Tasks

Name	Weighting	Hurdle	Due
Class participation	20%	No	Tutorials 1-12
Research Assignment	40%	No	12 April 2019
Final Take-home Assessment	40%	No	4 June 2019, 5pm (Week 13)

Class participation

Due: **Tutorials 1-12**

Weighting: **20%**

The tutorials are designed to extend the comprehensive and broad overview of IT 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 questions - The tutorial questions for each tutorial are found in the LAWS 529 iLearn

site under the relevant week.

Tutorial preparation and readings - Students are expected to listen to lectures on Echo on iLearn, complete the required readings (both the prescribed reading for the lectures and the tutorials) and come ready to discuss the questions outlined in the Tutorial Questions.

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.

On campus session

External students are required to attend both days of the On-Campus Session.

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 529 ilearn site.

On successful completion you will be able to:

- Apply the law to hypothetical fact situations through analogising and distinguishing.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.

Research Assignment

Due: **12 April 2019**

Weighting: **40%**

Question

In *Pintarich v Deputy Commissioner of Taxation* [2018] FCAFC 79, the Federal Court held that a statement in a computer generated letter seeking to remit interest charges on a taxpayer's tax liability was not a "decision" for the purposes of the relevant legislation. The basis of the decision was the absence of a "mental process" in the reaching of the conclusion in the letter.

What are the implications of the judgment for the use of artificial intelligence in decision making? Analyse this specific case within the broader framework of the appropriate governance of artificial intelligence technologies. Include analysis of relevant legislation, case law and literature.

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 529 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 LAWS 529 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

Faculty late penalties

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 (including weekends) after the original submission date.

Other relevant information

Please note that plagiarism detection software is used in this unit.

On successful completion you will be able to:

- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Final Take-home Assessment

Due: **4 June 2019, 5pm (Week 13)**

Weighting: **40%**

Content

The Final Take-Home 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

The Final Assessment questions will be available on ilearn on Friday 31 May 2019, 5pm. The answer has to be uploaded by 5pm on Tuesday 4 June 2019. The Final Take-Home Assessment is designed to be completed in approximately two days. However, to provide flexibility, and to support the multiple commitments of students, a period of four full days has been provided for the exam. Please take the above into account if you are applying for an extension of time.

Submission method: All papers have to be submitted via Turnitin on the LAWS 529 ilearn. Please ensure that you are wholly happy with your paper *before* submitting. The system does not allow for automatic re-submission.

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.

Application for an extension

All applications for Special Consideration need to be made electronically via ask.mq.edu.au and should be accompanied by supporting documentation.

Please do not email to request an extension or email to seek the outcome of a lodge application via email. No information can be provide via email, all information will be provided via the Ask system.

Faculty late penalties

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 (including weekends) after the original submission date.

Other relevant information

All assessments in the unit are to be submitted electronically via the Turnitin link on the iLearn page for this unit. Please note that plagiarism detection software is used in this unit.

On successful completion you will be able to:

- Demonstrate an understanding of the fundamental principles of information technology law.
- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Apply the law to hypothetical fact situations through analogising and distinguishing.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Delivery and Resources

Prescribed textbook

- 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 the only comprehensive textbook on Australian IT law. Being a niche market, there is a lack of in-depth textbooks in this area)

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 also found on the iLearn site. 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*, Northwestern 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 LAW iLearn page.

Unit Schedule

Week	Week commencing	Lecture (Uploaded on Echo)	Tutorial	Reading for Lecture	Reading for Tutorial
1	25 February 2019	Lecture 1: Introduction	Tutorial 1	Fitzgerald Chapter 1	Reading prescribed under Week 1 on ilearn

2	4 March 2019	Lecture 2: Jurisdiction	Tutorial 2	Fitzgerald, Chapter 2	Reading prescribed under Week 2 on ilearn
3	11 March 2019	Lecture 3: E-contracts I	Tutorial 3	Fitzgerald, Chapter 7	Reading prescribed under Week 3 on ilearn
4	18 March 2019	Lecture 4: E-contracts II	Tutorial 4	Fitzgerald, Chapter 7	Reading prescribed under Week 4 on ilearn
5	25 March 2019	Lecture 5: Patents	Tutorial 5	Fitzgerald, Chapter 5	Reading prescribed under Week 5 on ilearn
6	1 April 2019	Lecture 6: Trade marks and domain names	Tutorial 6	Fitzgerald, Chapter 6	Reading prescribed under Week 6 on ilearn
7	8 April 2019 RESEARCH ASSIGNMENT IS DUE IN WEEK 7 - Friday 12 April 2019, 5pm, via Turnitin RECESS - 15 April - 26 April 2019	Lecture 7: Content Regulation	Tutorial 7	Fitzgerald Chapter 3	Reading prescribed under Week 7 on ilearn

8	29 April 2019	Lecture 8: Copyright I	Tutorial 8	Fitzgerald, Chapter 4	Reading prescribed under Week 8 on ilearn
9	6 May 2019	Lecture 9: Copyright II	Tutorial 9	Fitzgerald, Chapter 4	Reading prescribed under Week 9 on ilearn
10	13 May 2019	Lecture 10: Internet Crime	Tutorial 10	Fitzgerald, Chapter 11	Reading prescribed under Week 10 on ilearn
11	20 May 2019	Lecture 11: Online Consumer Protection, Competition and Security	Tutorial 11	Fitzgerald, Chapter 8	Reading prescribed under Week 11 on ilearn
12	27 May 2019 FINAL ASSESSMENT QUESTIONS RELEASED Friday 31 May 2019 (Week 12), 5pm via iLearn Turnitin.	Lecture 12: Privacy	Tutorial 12	Fitzgerald, Chapter 10	Reading prescribed under Week 12 on ilearn
13	FINAL ASSESSMENT ANSWERS DUE 4 June 2019, 5pm (Week 13), via Turnitin on ilearn.				

Learning and Teaching Activities

Listen to lectures

Listen to Echo lectures on ilearn and refer to Powerpoint slides to obtain a strong understanding of the relevant legal principles, legislation and case law.

Read prescribed textbook chapter(s)

Read the prescribed textbook chapter(s) and consider the material provided in lectures before attending the relevant tutorial. Come prepared to discuss and engage with other students in analysing the issues set for consideration. The textbook provides the wide legal context for the more specific issues discussed in the prescribed tutorial readings. Reading the textbook will hence provide depth and authority to tutorial contributions and support performance in the written assignments.

Read prescribed tutorial readings

Read the prescribed readings and consider the tutorial questions before attending the relevant tutorial. Come prepared to discuss and engage with other students in analysing the issues set for consideration.

Explore websites using links in ilearn LAWS 529 site

Explore websites using links in ilearn LAWS 529 site to provide a broader understanding of the relevant legal principles.

Read optional additional readings

If you wish to extend your understanding, do read the optional further readings provided. These include law reform documents and further scholarly articles.

Raise issues of interest and ask questions in tutorials during discussion time

If you have a query as to content or an issue that you wish to discuss, do raise it in tutorials during discussion time.

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

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment tasks

- Class participation
- Research Assignment
- Final Take-home Assessment

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Apply the law to hypothetical fact situations through analogising and distinguishing.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.

- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.

Assessment tasks

- Class participation
- Research Assignment
- Final Take-home Assessment

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

- Demonstrate an understanding of the fundamental principles of information technology law.
- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment tasks

- Class participation
- Research Assignment
- Final Take-home Assessment

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

- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Apply the law to hypothetical fact situations through analogising and distinguishing.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
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- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment tasks

- Class participation
- Research Assignment
- Final Take-home Assessment

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

- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.

Assessment tasks

- Class participation
- Research Assignment
- Final Take-home Assessment

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

- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment tasks

- Class participation
- Final Take-home Assessment

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Assessment tasks

- Class participation

- Final Take-home Assessment