



## UNSW Course Outline

# LAWS8014 Defamation and the Media - 2024

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## General Course Information

**Course Code :** LAWS8014

**Year :** 2024

**Term :** Term 2

**Teaching Period :** T2B

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Private and Commercial Law

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Postgraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

The broad aims of this course are twofold: first, is to consider the significant restraints that defamation law and associated causes of action place on what can be published by the media; and second, is to consider whether the extent and scope of such restraints are appropriate.

These aims are pursued through a detailed analysis of defamation law in Australia, as well as by looking at many of the practical aspects of defamation law that contribute to its impact on media freedom. There is also scope for theoretical, comparative and historical analysis. Why do we value reputation? How should we protect it? How do other jurisdictions approach these questions? Particular focus is placed on questioning the appropriate balance between the protection of personal reputation and the media's perceived role in a democratic society.

## Main Topics

- history and theory of defamation law and the protection of reputation
- overview of theoretical aspects of freedom of speech, the media and democracy
- defamation: the cause of action in Australia
- defences to defamation
- conflict of laws and jurisdiction, particularly in the context of internet publications
- practical aspects of defamation
- alternatives to defamation
- defamation law in the context of digital media

This course assumes an understanding of foundational legal principles. Students who do not hold an LLB/JD or equivalent should take the LLM foundations course *LAWS8213 Legal Concepts, Research and Writing* before or concurrently with this course.

## Course Aims

The aim of the course is to ensure that students are familiar with the central principles of defamation law. The broad aims of this course are to consider the significant restraints that defamation law and associated causes of action place on what can be published by the media, and to consider whether the extent and scope of such restraints are appropriate.

These aims will be pursued through a detailed analysis of defamation law in Australia, along with some comparative material where useful. The course will equip students in both the theory and practice of this dynamic and complex area of media law. The focus will be both on the underlying rationales for defamation law and on the development of key principles in the case law. There will be a focus also on the challenge of digital media to traditional principles. A critical view of the balancing of protection of reputation as against freedom of expression will also be explored and the assessment provides scope for engaging in deeper research in a variety of modes - historical, theoretical, doctrinal and comparative.

## Relationship to Other Courses

This course counts towards the LLM specialisation in Media, Intellectual Property and

Technology law. It is open to JD students.

## Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate awareness of the place of defamation law within media law generally, and in a broader context (PLOs 1(a), 1(b), 2(a), 2(b), 3(a) and 4).
CLO2 : Navigate and apply the various sources of defamation law within the common law and statute ((PLOs 1(a), 1(b), 2(a) and 2(b))).
CLO3 : Apply knowledge and understanding of the principles of defamation law to hypothetical fact scenarios (PLOs 1(a), 1(b), 2(a) and 2(b)).
CLO4 : Engage in critical analysis of defamation law (PLOs 1 (a), 1(b), 2(a), 2(b), 3(a) and 4).
CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1(a), 1(b), 2(a) and 2(b)).
CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1(a), 3(a) and 3(b)).

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate awareness of the place of defamation law within media law generally, and in a broader context (PLOs 1(a), 1(b), 2(a), 2(b), 3(a) and 4).	<ul style="list-style-type: none"><li>• Research Proposal (1500 words)</li><li>• Research Essay (4500 words)</li><li>• Class Participation</li></ul>
CLO2 : Navigate and apply the various sources of defamation law within the common law and statute ((PLOs 1(a), 1(b), 2(a) and 2(b))).	<ul style="list-style-type: none"><li>• Research Proposal (1500 words)</li><li>• Research Essay (4500 words)</li><li>• Class Participation</li></ul>
CLO3 : Apply knowledge and understanding of the principles of defamation law to hypothetical fact scenarios (PLOs 1(a), 1(b), 2(a) and 2(b)).	<ul style="list-style-type: none"><li>• Research Proposal (1500 words)</li><li>• Research Essay (4500 words)</li><li>• Class Participation</li></ul>
CLO4 : Engage in critical analysis of defamation law (PLOs 1 (a), 1(b), 2(a), 2(b), 3(a) and 4).	<ul style="list-style-type: none"><li>• Research Proposal (1500 words)</li><li>• Research Essay (4500 words)</li><li>• Class Participation</li></ul>
CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1(a), 1(b), 2(a) and 2(b)).	<ul style="list-style-type: none"><li>• Research Proposal (1500 words)</li><li>• Research Essay (4500 words)</li><li>• Class Participation</li></ul>
CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1(a), 3(a) and 3(b)).	<ul style="list-style-type: none"><li>• Class Participation</li></ul>

# Learning and Teaching Technologies

Moodle - Learning Management System

## Learning and Teaching in this course

Classes will be interactive, with students invited to participate actively in discussions.

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Research Proposal (1500 words) Assessment Format: Individual	20%	Start Date: Not Applicable
Research Essay (4500 words) Assessment Format: Individual	60%	
Class Participation Assessment Format: Individual	20%	

### Assessment Details

#### Research Proposal (1500 words)

##### Assessment Overview

Feedback includes formative feedback online and the use of rubric.

##### Course Learning Outcomes

- CLO1 : Demonstrate awareness of the place of defamation law within media law generally, and in a broader context (PLOs 1(a), 1(b), 2(a), 2(b), 3(a) and 4).
- CLO2 : Navigate and apply the various sources of defamation law within the common law and statute ((PLOs 1(a), 1(b), 2(a) and 2(b)).
- CLO3 : Apply knowledge and understanding of the principles of defamation law to hypothetical fact scenarios (PLOs 1(a), 1(b), 2(a) and 2(b)).
- CLO4 : Engage in critical analysis of defamation law (PLOs 1 (a), 1(b), 2(a), 2(b), 3(a) and 4).
- CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1(a), 1(b), 2(a) and 2(b)).

##### Detailed Assessment Description

Due 4pm Fri 12 July 2024

##### Assessment Length

1,500 words

### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

## **Research Essay (4500 words)**

### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CLO1 : Demonstrate awareness of the place of defamation law within media law generally, and in a broader context (PLOs 1(a), 1(b), 2(a), 2(b), 3(a) and 4).
- CLO2 : Navigate and apply the various sources of defamation law within the common law and statute ((PLOs 1(a), 1(b), 2(a) and 2(b))).
- CLO3 : Apply knowledge and understanding of the principles of defamation law to hypothetical fact scenarios (PLOs 1(a), 1(b), 2(a) and 2(b)).
- CLO4 : Engage in critical analysis of defamation law (PLOs 1 (a), 1(b), 2(a), 2(b), 3(a) and 4).
- CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1(a), 1(b), 2(a) and 2(b)).

### Detailed Assessment Description

Due 4pm Fri 9 August 2024

## **Class Participation**

### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CLO1 : Demonstrate awareness of the place of defamation law within media law generally, and in a broader context (PLOs 1(a), 1(b), 2(a), 2(b), 3(a) and 4).
- CLO2 : Navigate and apply the various sources of defamation law within the common law and statute ((PLOs 1(a), 1(b), 2(a) and 2(b))).
- CLO3 : Apply knowledge and understanding of the principles of defamation law to hypothetical fact scenarios (PLOs 1(a), 1(b), 2(a) and 2(b)).
- CLO4 : Engage in critical analysis of defamation law (PLOs 1 (a), 1(b), 2(a), 2(b), 3(a) and 4).
- CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1(a), 1(b), 2(a) and 2(b)).
- CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1(a), 3(a) and 3(b)).

### Detailed Assessment Description

Reflective Commentary due 4pm Fri 2 August 2024

# General Assessment Information

## Grading Basis

Standard

## Requirements to pass course

Students must achieve an overall mark of 50% to pass the course.

# Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 1 July - 7 July	Lecture	All lectures will be given in this week.

## Attendance Requirements

As this is an intensive course, 100% attendance is required.

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

## General Schedule Information

This is a T2B course. Classes run 9am-5pm on Monday 1 July, Tuesday 2 July, Thursday 4 July, and Friday 5 July 2024 (equating to Week 6 of Term 2, 2024).

Classes will be held in Law Building 302 (K-F8-302).

# Course Resources

## Prescribed Resources

Students are advised to use the textbook Patrick George, *Defamation Law in Australia* (2022, 4th edition).

## Course Evaluation and Development

Students are invited to provide the teacher with informal feedback throughout the course. Formal

feedback will be invited through a MyExperience survey towards the end of the course. This feedback will be used to identify and address any ways in which the course could be improved.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Alexandra George				Please email for an appointment.	Yes	No
Lecturer	Richard Potter				Please email for an appointment.	Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

### UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the

UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice.

UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

### Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond

orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.