UNSW Course Outline

LAWS8346 Law and Technology: Comparative Perspectives (UNSW/UZH) - 2024

Published on the 17 Dec 2023

General Course Information

Course Code : LAWS8346
Year : 2024
Term : Summer
Teaching Period : U1
Is a multi-term course? : No
Faculty : Faculty of Law and Justice
Academic Unit : School of Law, Society and Criminology
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

This course will explore the interaction between law and modern technology. It will introduce

students to the potentially problematic relationship between legal rules and technological change, and then begin to explore real substantive problems at the interface between them. This will require some understanding of particular legal doctrines and particular technologies, which the course itself will provide. It is the aim of the course to teach, encourage and nurture creative legal (and technological) thinking when contemplating questions such as the possible regulation and/or promotion (for example, through patents) of technology and technological change. This course also provides students with knowledge of the legal frameworks and theoretical approaches regarding regulation of technologies in a global and transnational context. The course will draw on Australian, US, and European perspectives (among others) in order to ensure that student's understand the topics covered on a broader, global canvas.

The precise topics covered will vary in order to match both the knowledge of lecturers and the currency of topics. Examples of what may be covered include:

· Theories of law and technology and the regulation of technology

· Understanding the law's role in channelling, promoting or hindering technological change

· Regulating disruptive technologies (for example - Uber, Airbnb and 3D printing)

· Law and changing contexts (for example - offline to online in the context of censorship, speech rights, defamation and reputation management, copyright, privacy)

· Patenting and licensing Issues

· Human rights, digital rights and controversial technologies (for example, surveillance technologies)

· Big Data, algorithms and traditional expectations for public and private decision-making

· New forms of evidence (for example, digital evidence or algorithmic outputs)

· New crimes and criminal techniques (for example, Dark Net and botnets)

Preference will be given to students who have not undertaken an overseas course within the UNSW postgraduate program.

Course Aims

This course aims to expose students to issues at the interface between new technology and the

law. It will introduce students to relevant theories and, through the use of case studies and real examples, expose students to different "real world" problems and how they might be solved.

Relationship to Other Courses

LAWS3346/JURD7546/LAWS8346 are taught together. The assessment for each differs slightly (around word length of research essay).

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Engage in complex critical discussions of issues at the interface of law and new technology, including international and comparative perspectives (PLOs 1(a), 2(a), 3(a))
CLO2 : Demonstrate effective oral communication and collaboration by debating theoretical and practical issues around law and technology in a scholarly and insightful manner (PLOs 3(a), 3(b))
CLO3 : Demonstrate written communication and research skills by explaining in your own words features of the relevant technology or technologies as well as the meaning of legal concepts, doctrines and principles applicable to a chosen topic in the field of law and technology (PLOs 1(a), 1(b), 2(a), 2(b), 3(a), 4)

Course Learning Outcomes	Assessment Item
CLO1 : Engage in complex critical discussions of issues at the interface of law and new technology, including international and comparative perspectives (PLOs 1(a), 2(a), 3(a))	• Research Essay Outline • Research Essay
CLO2 : Demonstrate effective oral communication and collaboration by debating theoretical and practical issues around law and technology in a scholarly and insightful manner (PLOs 3(a), 3(b))	• Class Participation
CLO3 : Demonstrate written communication and research skills by explaining in your own words features of the relevant technology or technologies as well as the meaning of legal concepts, doctrines and principles applicable to a chosen topic in the field of law and technology (PLOs 1(a), 1(b), 2(a), 2(b), 3(a), 4)	• Research Essay Outline • Research Essay

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

Because the course combines a UNSW cohort and a UZH cohort, there is no learning management system to which both cohorts have access. Other tools and platforms may thus be used throughout the course.

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Research Essay Outline Assessment Format: Individual	10%	Start Date: Not Applicable Due Date: Not Applicable
Research Essay Assessment Format: Individual	70%	Start Date: Not Applicable Due Date: Not Applicable
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: Not Applicable

Assessment Details

Research Essay Outline

<u>Assessment Overview</u>

Further information will be made available on the Moodle page.

<u>Course Learning Outcomes</u>

- CLO1 : Engage in complex critical discussions of issues at the interface of law and new technology, including international and comparative perspectives (PLOs 1(a), 2(a), 3(a))
- CLO3 : Demonstrate written communication and research skills by explaining in your own words features of the relevant technology or technologies as well as the meaning of legal concepts, doctrines and principles applicable to a chosen topic in the field of law and technology (PLOs 1(a), 1(b), 2(a), 2(b), 3(a), 4)

<u>Detailed Assessment Description</u>

This should include:

- Draft title

- Research Question

- Abstract (draft)

- Draft structure outline

- Preliminary bibliography

Assessment Length

Approx 1-2 pages, but no hard limit

Submission notes

Due 4pm 29 January for result in Summer term; due 4pm 12 March 2024 for result in T1.

Assignment submission Turnitin type

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

Research Essay

Assessment Overview

Further information will be made available on the Moodle page.

Course Learning Outcomes

- CLO1 : Engage in complex critical discussions of issues at the interface of law and new technology, including international and comparative perspectives (PLOs 1(a), 2(a), 3(a))
- CLO3 : Demonstrate written communication and research skills by explaining in your own words features of the relevant technology or technologies as well as the meaning of legal concepts, doctrines and principles applicable to a chosen topic in the field of law and technology (PLOs 1(a), 1(b), 2(a), 2(b), 3(a), 4)

Detailed Assessment Description

6000 word research essay on topic/question of student's choice (based on outline and feedback thereto).

Assessment Length

7000 words

Submission notes

Due 11pm 4 February 2024 for Summer Term result; Due 4pm 15 April 2024 for Term 1 result

Assessment information

Standard (AGLC) referencing unless permission given to use a different citation format.

Assignment submission Turnitin type

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

Class Participation

<u>Assessment Overview</u>

Further information will be made available on the Moodle page.

<u>Course Learning Outcomes</u>

- CLO2 : Demonstrate effective oral communication and collaboration by debating theoretical and practical issues around law and technology in a scholarly and insightful manner (PLOs 3(a), 3(b))

<u>Detailed Assessment Description</u>

For a Pass:

- Attendance in silence will not be enough to pass.
- Participation in class group work exercises and discussions.

For a Credit: As above, plus:

- Demonstrate a consistent ability across the semester to answer questions in a way that indicates you have prepared and considered the issues.
- Contribution must add to a discussion or debate in a way that improves the class' understanding.

For a Distinction: As above, plus:

- Contributions in class that reflects a good understanding of the material and are clearly expressed.

For a High Distinction: As above, plus:

- Comments that are truly insightful, demonstrating creative or critical thinking about a problem related to the course.

Additional comments on CP

- You can get a high CP mark without agreeing with your lecturer on anything. Feel free to express your own views, even if they are controversial.
- You can do well without getting all the answers "right". We are more interested in the fact that you have done the reading, have thought intelligently about the issues and contribute to the class discussion.
- Some students (understandably) get annoyed when class discussion veers too far off-topic. If your questions/comments are not directly relevant, your lecturer may steer the discussion back on topic for the benefit of the rest of the class.

Assignment submission Turnitin type

Not Applicable

General Assessment Information

Grading Basis

Standard

Requirements to pass course

A mark of 50 or higher.

Course Schedule

Attendance Requirements

There is a 100% attendance requirement for this intensive course.

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

Draft schedule (subject to change particularly if excursions or guest lectures need to be rescheduled):

Monday, 15 January

(9-1)

- Welcome and introduction to the course (Lyria and Kayleen (UNSW) and Florent (UZH) 1 hour)
- Theories on law and technological change and the regulation and governance of technologies (Lyria (UNSW) 3 hours)

Tuesday, 16 January

(timing TBC; city)

- Excursion to the Federal Court of Australia with Justice Stephen Burley
- OPTIONAL: City walking tour

Wednesday 17 January (9-1)

- Understanding "artificial intelligence" and automation in the context of regulation, decision-making and legal institutions: (Lyria (UNSW)/Florent(UZH); also Prof Hiroki Habuka 4 hours)
- Comparative regulation – Swiss/Australia/EU/Japan (2.5 hours)
- Decision-making and admin law – NZ/Australia/Canada (1 hour)
- Legal institutions (30 mins)

Thursday 18 January

(9-1)

- Legal responses to disruptive technologies (Lyria (UNSW) convening).
- Small group-based discussion around single example, impact and response in Europe versus Australia versus US (different groups), followed by class based discussion.

- Divide students into groups for specific topics/jurisdictions. Tentatively: AirBnB (as that one is still evolving), Generative AI, disinformation.

Friday 19 January

(9-1)

- Data protection and privacy: Comparative perspectives –Europe/Australia (Florent (UZH), Lyria and Kayleen (UNSW) 4 hours)

WEEKEND

- [Optional trip to Blue Mountains]

Monday, 22 January

(all day; bus to/from Lucas Heights)

- Excursion to ANSTO

Tuesday, 23 January

(9-1)

- Cyber security law and policy overview – Australian perspective in comparative context (1 hours) (Lyria (UNSW))
- Cyber physical systems and the law – Kayleen (UNSW) (2 hours)
- Online safety – Kayleen (UNSW) (1 hour)

Wednesday, 24 January

(9-1)

- The role of IP law in innovation and issues for emerging technologies eg AI and IP, right to repair (panel with Annabelle; Florent (UZH), Kayleen) – 3.5 hours
- Discussion about assessment and bringing issues together (Lyria (UNSW) 10 mins)

Weather permitting – class picnic (potential to move based on forecast)

Thursday, 25 January

(9-1)

Student short presentations on ideas for essay – opportunity for peer and instructor feedback.

Course Resources

Additional Costs

None, except where participating in optional activities.

Course Evaluation and Development

Student feedback is received on MyExperience and separately from UZH students. One major change this round (delayed due to COVID-19) was in response from a request from students who could not travel to Zurich that the course also be offered in Sydney. Going forward, the course will alternate between Zurich and Sydney allowing both students who would like to do an "overseas short course" and students who for a variety of reasons can only take the course locally to have the opportunity to learn more about law and technology and network with UZH students.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Lecturer	Kayleen Manwaring					No	No
Convenor	Lyria Bennett Moses		L+J Building, 303 (UNSW Allens Hub room)	02 9385 2254	Generally available for discussions in breaks or after class, or by 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 Plagarism

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.