



## UNSW Course Outline

# JURD7421 Media Law: General Principles - 2024

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## General Course Information

**Course Code :** JURD7421

**Year :** 2024

**Term :** Term 3

**Teaching Period :** T3

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

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Global and Public 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

This course focuses on the principal legal areas affecting media content. An underlying theme of the course will be the relationship between free speech and the legal restrictions imposed upon the media. You will find also that the course builds on your knowledge of a variety of legal topics

already studied in your program, such as, for example, torts, criminal law, and constitutional law, but requires you to rethink these areas from the perspective of how they impact upon media as they carry out their roles of reporting and commenting. The course will cover the core areas of media law and its general principles. We will also consider new frontiers and contemporary case studies involving digital and social media. The media landscape is transforming and we examine how media law frameworks can be reformed and/or further developed to address the challenges involved.

## **Main Topics**

- freedom of speech and offensive speech
- media ownership
- open justice and contempt of court (including the protection of sources)
- defamation law
- privacy and breach of confidence
- digital media regulation

## **Course Aims**

The aims of the course are to:

- develop an understanding of the central principles of media law and to critically evaluate the relationship between media and law
- enable students to develop an understanding of free speech protection in Australia, and the claims of media to free speech protection
- provide students with an understanding of laws which can affect media content
- enable students to develop an appreciation of how claims to free speech are balanced with competing interests such as the protection of reputation, privacy and the proper administration of justice
- become familiar with the policy debates and reform discussions relating to the specific legal topics covered in the course: especially free speech, contempt, defamation and privacy
- encourage students to begin to consider the globalization of media law

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate awareness of the place of media law within a broader context (PLOs 1, 2, 3, 7, 8)
CLO2 : Navigate and apply the various sources of media law within common law and statute (PLOs 4, 5, 6)
CLO3 : Apply knowledge and understanding of the principles of media law to hypothetical fact scenarios (PLOs1, 4, 5, 6, 7, 8, 11, 12)
CLO4 : Engage in critical analysis of media law and assess proposals for reform (PLOs 1, 2, 3, 4, 5, 6, 7, 8)
CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1, 4, 5, 6, 7, 8, 9, 11, 12)
CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1, 9, 10, 11, 12)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate awareness of the place of media law within a broader context (PLOs 1, 2, 3, 7, 8)	<ul style="list-style-type: none"> <li>• Mid Session Paper</li> <li>• Class Participation</li> <li>• Exam</li> </ul>
CLO2 : Navigate and apply the various sources of media law within common law and statute (PLOs 4, 5, 6)	<ul style="list-style-type: none"> <li>• Mid Session Paper</li> <li>• Class Participation</li> <li>• Exam</li> </ul>
CLO3 : Apply knowledge and understanding of the principles of media law to hypothetical fact scenarios (PLOs1, 4, 5, 6, 7, 8, 11, 12)	<ul style="list-style-type: none"> <li>• Mid Session Paper</li> <li>• Class Participation</li> <li>• Exam</li> </ul>
CLO4 : Engage in critical analysis of media law and assess proposals for reform (PLOs 1, 2, 3, 4, 5, 6, 7, 8)	<ul style="list-style-type: none"> <li>• Mid Session Paper</li> <li>• Class Participation</li> <li>• Exam</li> </ul>
CLO5 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1, 4, 5, 6, 7, 8, 9, 11, 12)	<ul style="list-style-type: none"> <li>• Mid Session Paper</li> <li>• Exam</li> </ul>
CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1, 9, 10, 11, 12)	<ul style="list-style-type: none"> <li>• Class Participation</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Mid Session Paper	30%	Due Date: Week 4: 30 September - 06 October
Class Participation	10%	
Exam	60%	Due Date: Due at a date to be fixed in the exam period.

## Assessment Details

### Mid Session Paper

#### Assessment Overview

Mid Session Paper (1500 words) - 30%

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

#### Course Learning Outcomes

- CL01 : Demonstrate awareness of the place of media law within a broader context (PLOs 1, 2, 3, 7, 8)
- CL02 : Navigate and apply the various sources of media law within common law and statute (PLOs 4, 5, 6)
- CL03 : Apply knowledge and understanding of the principles of media law to hypothetical fact scenarios (PLOs 1, 4, 5, 6, 7, 8, 11, 12)
- CL04 : Engage in critical analysis of media law and assess proposals for reform (PLOs 1, 2, 3, 4, 5, 6, 7, 8)
- CL05 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1, 4, 5, 6, 7, 8, 9, 11, 12)

#### Detailed Assessment Description

Students will respond to a question that considers the course materials in relation to themes covered at the early stages of the course. The specific topic and further guidance will be provided in the assessment and its instructions.

#### Assessment Length

1500 words

#### Generative AI Permission Level

#### Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing

functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

## **Class Participation**

### **Assessment Overview**

Class Participation - 10%

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

### **Course Learning Outcomes**

- CLO1 : Demonstrate awareness of the place of media law within a broader context (PLOs 1, 2, 3, 7, 8)
- CLO2 : Navigate and apply the various sources of media law within common law and statute (PLOs 4, 5, 6)
- CLO3 : Apply knowledge and understanding of the principles of media law to hypothetical fact scenarios (PLOs 1, 4, 5, 6, 7, 8, 11, 12)
- CLO4 : Engage in critical analysis of media law and assess proposals for reform (PLOs 1, 2, 3, 4, 5, 6, 7, 8)
- CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 1, 9, 10, 11, 12)

### **Detailed Assessment Description**

Class participation will be assessed in relation to your contributions in our face to face classes and also in any moodle forums required for a particular class. There will be an 'on call' system with each student to be on call for one class, as notified by the lecturer. When on call, students will be expected to contribute to the face to face class discussion. There is also a CP forum if students would like subsequently to add further reflections relating to the class they have been on call.

### **Generative AI Permission Level**

#### **No Assistance**

This assessment is designed for you to complete without the use of any generative AI. You are

not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

## **Exam**

### **Assessment Overview**

Exam - 60%

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

### **Course Learning Outcomes**

- CL01 : Demonstrate awareness of the place of media law within a broader context (PLOs 1, 2, 3, 7, 8)
- CL02 : Navigate and apply the various sources of media law within common law and statute (PLOs 4, 5, 6)
- CL03 : Apply knowledge and understanding of the principles of media law to hypothetical fact scenarios (PLOs 1, 4, 5, 6, 7, 8, 11, 12)
- CL04 : Engage in critical analysis of media law and assess proposals for reform (PLOs 1, 2, 3, 4, 5, 6, 7, 8)
- CL05 : Demonstrate effective written communication skills by articulating legal concepts and analysis clearly and persuasively (PLOs 1, 4, 5, 6, 7, 8, 9, 11, 12)

### **Detailed Assessment Description**

The exam will be a long take home exam. This format is chosen to maximise the opportunity for students to express their knowledge of a range of topics covered in the course.

The exam will require students to answer a compulsory defamation problem question and an essay-style question.

### **Assessment Length**

2400 words

### **Generative AI Permission Level**

#### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or

media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties. For more information on Generative AI and permitted use please see [here](#).

## General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

### Grading Basis

Standard

## Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Topic	Introduction
	Topic	Free Speech in Australia
Week 2 : 16 September - 22 September	Topic	Offensive Speech
	Topic	Open Justice and Suppression Orders
Week 3 : 23 September - 29 September	Topic	Contempt
	Topic	Contempt
Week 4 : 30 September - 6 October	Topic	Defamation – Introduction and Preliminary Matters
	Topic	Defamatory Meaning
Week 5 : 7 October - 13 October	Online Activity	Asynchronous activity (in lieu of public holiday on 7 October) - Imputations.
	Topic	Defamation – Identification; Publication; Serious Harm
Week 6 : 14 October - 20 October	Other	Flexibility week - no classes
Week 7 : 21 October - 27 October	Topic	Defamation Defences - Truth; Contextual Truth; Absolute Privilege; Qualified Privilege
	Topic	Defamation Defences - Public Interest Defence; Comment/Opinion; Innocent Dissemination
Week 8 : 28 October - 3 November	Topic	Defamation Remedies Media Ownership
	Topic	Online Content
Week 9 : 4 November - 10 November	Topic	Privacy as a Concept
	Topic	Indirect Privacy Protection and Breach of Confidence
Week 10 : 11 November - 17 November	Topic	Information Privacy and Reform
	Topic	Revision Class

## Attendance Requirements

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.

# Course Resources

## Prescribed Resources

Prescribed:

**Media Law Cases Material & Commentary 3e; (2022) Author: Rolph, Vitins, Bannister, Joyce, & Bosland**

Print: <https://www.bookshop.unsw.edu.au/details.cgi?ITEMNO=9780190323868>

Digital: <https://unswbookshop.vitalsource.com/products/-v9780190323882>

## Course Evaluation and Development

Every term adjustments are made to the content of this course to make it current and fresh. In recent times there have been reforms in defamation law and there are proposed reforms in privacy law. Both will feature in this term's materials. Students are also interested to have opportunities to think about defamation practically and so I have developed an asynchronous module on defamation imputations aimed to get the class to think about what is a more technical area, but significant for practice.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Daniel Joyce					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.

## Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not

encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

### **Prohibition on use of translation apps**

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

### **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.