

GENL0230 Law in the Information Age, and GENL0231 Law in the Information Age 2.0*

Summer 2010

Statement of objectives and assessment

**NB: These courses are offered concurrently this session. GENL 0230 is an existing 3 unit course, with 2 hour classes. GENL 0231 is a new 6 unit course extending coverage into the realm of recent Web 2.0 and 3.0 interactive developments. It has 3 hour classes, the first two of which overlap the two hours for GENL 0230. There is then an extra third hour afterwards, and additional activities. Elements specific to the extra GENL 0231 topics are noted below.*

GENL 0230 is not a prerequisite for GENL 0231: they are offered and taught concurrently this semester. The "2.0" in the course title refers to the social networking and other new content of the expanded course, and does not imply you must do the 0230 version first.

Welcome to Law in the Information Age, and Law in the Information Age 2.0.

These subjects are convened by David Vaile, Executive Director of the Cyberspace Law and Policy Centre. For all course administration and assessment matters, please contact David:

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Subject outline

The last two decades have seen a massive change in the way people receive and communicate information. In the last decade, we have seen traditional media such as newspapers being delivered online, television opened up to multiple pay TV channels and the arrival of digital broadcasting. Telephone lines, cables and wireless devices using the radiofrequency spectrum are now our link to global information networks through email and the internet, with individuals and businesses increasingly using them as personal and commercial communications tools.

GENL 0231: More recently, user generated content and social networking services, and other tools dubbed Web 2.0, have partly removed the need for central editorial and production, and democratised access to global publication.

These new technologies have thrown up new issues for the organisations who provide these services – broadcasters, telecommunications companies and internet providers – and the consumers who use them. Existing laws have had to adapt and new laws have been developed to deal with the challenges raised.

This subject will give students a broad overview of the operation of new media and communications under Australian law, examining both the legal requirements and the policy reasoning behind the way in which media and communications are regulated.

On completion of this course, students will have a good understanding of the interaction between the different parts of the media and communications industries, current issues and how the law applies. They will gain practical insights into the way the law affects people in their dealings with the media, on the internet and in e-commerce.

Course requirements

This outline and the course requirements will be discussed in the first class. This outline will provide the basis for the conduct of the subject and will be the foundation document for resolving any disputes.

Teaching method and student input

Classes will be run as a mixture of lectures and discussion.

Students are expected to contribute constructively to classes on the basis of the subject materials and topical matters from current debates. Classes will cover the law, as well as addressing technology, social policy, commercial power and political pragmatics. The lectures will directly relate to, but expand upon, the subject materials.

One of the features of this area of the law is its rapid change. This and the fact that it deals with often controversial and sensitive issues of public policy mean that students will need to think about the context and be able to apply legal principles to practical situations.

The course does not assume prior knowledge of legal principles but does assume a general familiarity with the media and new technologies. Students will be expected to develop a good understanding of the legal issues and frameworks in these areas and to be able to identify what legal issues apply to different situations.

Class attendance

The Law Faculty applies the “80% Rule” which means that students who attend less than 80% of classes may be refused final assessment. Rolls will be completed throughout the course as a record of attendance.

Class attendance is also essential to understanding the course material, as each lecture covers a lot of ground in a fairly complex area.

Course commitment

The courses are taught in intensive mode. GENL 0230 is a 3 credit point general education subject, and GENL0231 is 6 unit. The overall time commitment expected is the same as similar subjects taught in normal mode over a semester.

GENL0230: Students are expected to commit at least 70 hours to the subject, including lectures. This will involve 20 hours of lecture time and at least:

- 9 hours class preparation time;
- 10 hours completing the email diary report; and
- 30 hours completing the research essay.

GENL0231: Students are expected to commit at least 100 hours to the subject, including lectures. This will involve 30 hours of lecture time and at least:

- 10 hours class preparation time;
- 20 hours completing the email diary report; and
- 30 hours completing the research essay.
- 10 hours documenting a recent case study, using an online resources such as Wikipedia or similar User Generated Content service, at an appropriate level of accuracy etc.

Assessment

Assessment will be made up of:

GENL0230 Law in the Information Age (3 units):

1. **Media diary:** legal issues concerning media, communications and online services (30%)
2. **Research essay** 2500w on set topics, or one of your choice by prior arrangement (60%).
3. **Class participation:** (10%) Largely for full attendance and engagement, with recognition for excellent preparation and helpful participation.

GENL0231 Law in the Information Age 2.0 (6 units):

1. **Media diary:** legal issues about media, communications or online services (30%)
2. **Research essay** 2500–4000w on set topics, or one of your choice by prior arrangement (30%-2500w, or 60%-4000w inc. annotated bibliography, if *don't* do contribution online)
3. **Contribution to an online service:** on a recent Web 2.0 or 3.0 issue (30%) Optional
4. **Class participation:** (10%) Largely for full attendance and engagement, with recognition for excellent preparation and helpful participation.

FIRST ASSESSMENT ITEM – start early!

Media Diary (30%)

Students are required to keep a diary of how **legal issues associated with the media, telecommunications, and Internet and online services including e-commerce** are reported in the media over roughly one week and, at the end of the week, do a short summary interpreting those issues. This task requires students to identify legal issues (relevant to this course) in a news and current affairs context, and explain their impact.

Task: for the 9 days in from **Tuesday 30 December to Friday 10 December**, you must:

- read at least one local metropolitan or national daily newspaper (*Sydney Morning Herald, Daily Telegraph, Australian, Australian Financial Review*);
AND
- follow news broadcasts on radio and television;
AND
- monitor Australian internet news services.

- Your diary will be a mix of reports from these various sources, but it must include *at least one report from each of these three categories*.
- You must have at least one report for **five** of the nine days under review.
- You are required to identify items dealing with the **legal and legal policy issues** concerning the media, communications and online services, some of which will be directly covered in this course.

Your report must include the following:

- A. *10 Individual diary entries:*
 - **name** of the publication, program, or online news service (eg the *Sydney Morning Herald, National Nine News, or www.news.com.au*)

- **date** of the article or broadcast and where relevant, **the time** of the broadcast, the **headline** and **page number** of the article, or the **full URL** for the online report;
- **short summary** describing the legal issue covered in the article or broadcast.

B. *News round-up*

The diary must conclude with a “news round-up.” For each of **three** of the major legal issues you have tracked, write a summary for an imaginary news website, with the objective of giving readers a nutshell view of what has happened on that issue that week. You are expected to piece together what you have learnt about the issue from various sources throughout the week.

You must submit **10 diary entries**. Since you only have to submit this number of entries in total, you might not need to record every report on that issue during the week: write up the best reports that deal with the legal issues, so that you have 10 reports in total.

Ideally, in your news round-up at the end of the week, you should report on three separate issues. If you have more than 3 issues, choose three which cover legal issues the best.

Tracking the progress of an issue throughout the week will help you to provide a more sophisticated analysis in your round-up. However, do not include multiple reports on the same issue unless they show a different angle, a different way of reporting, or new developments. For example, a story on digital television might be reported differently on ABC radio and in a daily newspaper, or in the *Sydney Morning Herald* compared to the *Australian*.

- Each diary entry should be around 125 words.
- The round up should be between 250 and 400 words.
- Total length (excluding headings, eg date, publication etc) should be around 1500 words.

Remember that this course is interested in **legal issues**: so a report on business or technology aspects only (eg, ‘Orange expects that a new generation of video phones scheduled for later in the year will be half the size of current handsets’ / ‘Online shopping at Harvey Norman over the Christmas sales period was up on last year’) does not meet the requirements of your assessment.

You will be assessed on your familiarity of the media (eg range and choice of sources), understanding of the law, interpretation of the issue and quality of writing. See the assessment guide on the sample marking sheet below.

Deadline: 5 pm on **Tuesday 14 December**
Maximum length: 1500 words
Submit to: Law office, Level 2, Law building F8, use cover sheet there or online

SAMPLE DIARY ENTRY

Source: Sydney Morning Herald (online)
Date: 12.02.03
Location: <http://www.smh.com.au/articles/2003/02/11/1044927596048.html>
Title: “Clip snip cuts heat out of steamy video”
Author: Chris Sams

This article concerns the censorship of the video clip for *All The Things She Said* by TaTu before it screened on *Video Hits* last Saturday. It refers to the controversy surrounding extended kissing scenes involving two teenage girls.

Making the clip suitable for a younger audience would have been done in order to comply with the regulatory framework for classification of programs on commercial television. The clip would have raised problems for the network because on weekends almost the whole day is restricted to G programs.

The Commercial Television Code states that the frequency and intensity of elements such as sexual behaviour are relevant to the classification. In the G classification depictions and references to sexual behaviour must be strictly limited with little or no detail and there is no provision for adult themes. The

extended kissing scenes in the context of the overall “erotic image” therefore led Channel Ten to edit the clip.

SECOND ASSESSMENT ITEM

Research essay – legal issues for the Information Age (60% or 30%)

This is a research project requiring students to investigate and analyse a significant legal issue in the Information Age. A list of essay topics will be provided in the first class.

Students can choose an alternative topic provided that the topic is submitted in writing and is agreed with the course convenor by Thursday 9 December.

(Note that this counts for one of the following, depending on which course you are doing, and whether you are doing the optional online contribution:

- 60% for students doing GENL 0230 – 2,500 words
- 60% for GENL0231, *no* online contribution – 4,000 words inc. annotated bibliography*
- 30% for GENL0231, *with* online contribution – 2,500 words

When undertaking research it is important to remember that due to the fast changing nature of the subject matter, cases and articles from even a year or two ago may sometimes be out of date. It is important to keep an eye on current developments when considering the legal issues raised in this course.

Maximum length: 2500 words
(4,000 for GENL0231 if *not* doing online contribution)

Deadline: Friday 17 December (subject to confirmation in class)

**Annotated bibliography* means the normal full bibliographic citation info, plus short commentary, 1-2 sentences at end of each item noting the scope, focus or interesting aspects of the item for the purposes of research on your topic.

NOTE: Students graduating early may require final assessment to be submitted on a date prior to result deadlines. As graduation dates vary, you will need to check with your faculty as to what the earlier deadline is and you **must** discuss this with the course convenor prior to the end of the lecture period.

You will be assessed on:

- your understanding of the law;
- understanding of the policy or practical context;
- quality and originality of ideas;
- evidence of reading beyond the course materials (not just inclusion of references in a bibliography);
- quality of writing and presentation – organisation, argument, economy,
- basics, including grammar, punctuation, spelling and clear expression.

THIRD ASSESSMENT ITEM (*GENL 0231* - optional)

Contribution to online resource or similar 'user generated' service – Recent developments in communications and information law (OPTIONAL – 20%)

This is a research project requiring students to consider recent events and developments since those documented in the course materials. The nature of the item is a contribution describing for instance a particular case, piece of legislation or specific policy debate in narrow terms, submitted to an online resource such as Wikipedia, or similar UGC host.

Students must propose a topic provided and submit in writing for approval by the course convenor by Tuesday 7 December.

Your proposal must identify the case, law or policy topic, and the relevant materials below.

Submit the request with:

- a short title specifying the precise and narrow scope of the proposed topic
- a one sentence description explaining the scope of the proposed topic
- a reference with URL for the full text of the case, law or law reform report (or similar),
- a reference to a short commentary article from a suitable expert
- the online service you propose to submit to (Name, jurisdiction and URL)
- an explanation of the nature of the submission (including a link to the policy of the service setting out the requirements for the highest quality submission.)

The obvious service is Wikipedia, and its Featured Article model (not just an ordinary article) but there may be others which are suitable.

Maximum length: 1200 words

Deadline: Monday 20 December (subject to confirmation in class)

You will be assessed on:

- your understanding of the law;
- understanding of the policy or practical context;
- quality and originality of ideas;
- evidence of understanding of the significance of the topic;
- quality of writing and presentation – organisation, argument, economy,
- the basics including grammar, punctuation, spelling and clear expression.

GENL0230/ 0231 LAW IN THE INFORMATION AGE / (2.0)*

ASSESSMENT SHEET

Student Name: _____

Student Number: _____

Diary Mark: _____

Essay Mark: _____

***(Online mark:)** _____

Participation _____

TOTAL MARK: _____

BREAKDOWN OF MARKS - MEDIA DIARY

Familiarity with media: range of sources/ intelligence of choice <i>/10</i>	<i>Identifying, understanding, and explaining the legal issues</i> <i>/10</i>	Explanation of issues in News Round-Up <i>/5</i>	<i>Presentation and quality of writing</i> <i>/5</i>	Total Mark <i>/30</i>

RESEARCH ESSAY

<i>Accurately stating law/ policy, and general understanding and analysis of the issues</i>		Original ideas, arrangement and presentation of material, quality of writing <i>/10</i>	<i>Selection and use of resources</i> <i>/10</i>	Total Mark *(Out of 30 for GENL0231 if doing online contribution) <i>/60 or /30</i>
Law <i>/20</i>	Issues <i>/20</i>			

ONLINE CONTRIBUTION *(GENL0231 only - optional)

Compliance with requirements for properly sourced commentary <i>/10</i>	<i>Identifying, understanding, and explaining the legal issues</i> <i>/10</i>	Clear expression <i>/10</i>	<i>Presentation and quality of writing</i> <i>/10</i>	Total Mark (optional) <i>/30</i>

CLASS PARTICIPATION (GENL0231) *(GENL0231 only)

	Total <i>/10</i>
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Resources

The **prescribed materials** for the course are:

- The course materials package compiled and available at UNSW Bookshop
- the textbook: Carvan, J *Understanding the Australian Legal System* Thomson Lawbook Co, 6th ed, 2010. ISBN 9780455227085, OR
- Richard Chisholm, Garth Nettheim, *Understanding law: an introduction to Australia's legal system*, 7th ed., Sydney : LexisNexis Butterworths, 2007. 213 pp., ISBN 9780409323467

Useful but not compulsory texts:

Covering **media regulation**:

- Beattie and Beal, *Connect and Converge: Australian Media and Communications Law*, Oxford UP, Sydney 2006
- Butler and Rodrick, *Australian Media Law*, LBC Information Services, 2nd ed, 2004.

Covering **telecommunications and Internet regulation**:

- Yee Fen Lim, *Cyberspace Law: Commentaries and Materials*, 2nd ed, Oxford UP, Sydney 2007
- Alasdair Grant (ed), *Australian Telecommunications Regulation: the Communications Law Centre Guide*, 3rd edition, UNSW Press, Sydney 2004 (new edition late 2010).

The introduction to each lecture in these materials contains a list of prescribed and additional references. The prescribed references are in this folder. Additional references will be available in Special Reserve in the UNSW Law Library.

Legislation

The course will refer to a range of legislation, which is accessible at <http://www.austlii.edu.au/> or LexisNexis AU, and available in the library.

General

A useful looseleaf service covering media and communications issues in Australia is the looseleaf service *Media Law and Practice*, published by LawBook Co.

Useful journals include:

- *ACMA Sphere*, published monthly, the newsletter of the Australian Broadcasting Authority, now ACMA < http://www.acma.gov.au/WEB/STANDARD/pc=PC_9029 >. See also *ABA Update*.
- *Communications Law Bulletin*, formerly published quarterly by the Communications and Media Law Association
- *Computers and the Law*, published quarterly, the journal of the Australian and New Zealand Societies for Computers and the Law
- *Entertainment Law Review*, published by Sweet and Maxwell Ltd, London (8 issues per year)
- *Exchange*, telecommunications update published fortnightly by 3rd Wave Communications
- *Intellectual Property Reporter*, published by IBC
- *Internet Law Bulletin* published by Prospect Media (10 issues per year)
- *Media International Australia*, published quarterly by the Australian Key Centre for Cultural and Media Policy
- *TeleMedia*, published monthly by Prospect Media (discontinued in 2003)
- *Telecommunications Journal of Australia*, published quarterly, the journal of the Telecommunications Society of Australia.

Online media include:

- www.fairfax.com.au (Fairfax)
- www.news.com.au (News Limited)
- www.abc.net.au (ABC)
- www.ninensn.com.au (Ninensn)
- zdnet.com.au

Discussion of current Information Age issues can be found in newspapers such as

- *Australian Financial Review*
- *Sydney Morning Herald* (especially the IT section on Tuesday)
- *The Australian* (especially the IT section on Tuesday and the Media/Marketing supplement on Thursday).

Transcripts of the Radio National program, “The Media Report” are available at www.abc.net.au.

Government sites include:

- www.agimo.gov.au (Australian Government Information Management Office)
- www.acma.gov.au (Australian Communications and Media Authority, formerly ABA, ACA).
- www.classification.gov.au (Classification Board, formerly Office of Film and Literature Classification)
- www.dbcde.gov.au (Dept of Broadband, Communication and the Digital Economy, formerly NOIE)

Online user generated content services including

- Whirlpool.net.au (online services and technology, ISPs)
- LINK mailing list at ANU
- Wikipedia, including Featured Article standard
- Other services

Additional sources will be mentioned in lectures.

Library

Course references are available in the UNSW Law Library.



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(with thanks to Derek Wilding, former director, Communications Law Centre at UNSW for the original versions of this material.)