



LAWS12069 e-Law

Term 2 - 2017

Profile information current as at 07/05/2024 05:17 pm

All details in this unit profile for LAWS12069 have been officially approved by CQU University and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

This unit investigates the law of the Internet. It examines the legal issues relevant to websites, software and hardware. The areas covered include jurisdiction, privacy, Internet content regulation, software licensing, crime, games, e-commerce, authentication, signatures and encryption, copyright, domain names and trademarks, patents and circuit layouts.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Prerequisites: LAWS11057, LAWS11059, LAWS11061, LAWS11062, LAWS11063, LAWS11064, LAWS11060, (LAWS11065 or LAWS12055)

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 2 - 2017

- Distance

Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Presentation and Written Assessment**

Weighting: 50%

2. **Written Assessment**

Weighting: 50%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Student surveys.

Feedback

Peer interaction is difficult with small class numbers, particularly for an online course.

Recommendation

CQU policy requires advertised courses to run, no matter how many enrollments. This course runs every two years in order to maximise enrollments.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Explain and critique national and international Internet legal frameworks and regulation.
2. Discuss the civil and criminal liability risks of Internet activities and associated risk management strategies.
3. Research, analyse and present appropriate solutions to common legal problems associated with information technology.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes		
	1	2	3
1 - Presentation and Written Assessment - 50%	•	•	•
2 - Written Assessment - 50%	•	•	•

Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes		
	1	2	3
1 - Communication		•	•
2 - Problem Solving	•	•	•
3 - Critical Thinking	•	•	•
4 - Information Literacy			
5 - Team Work			

Graduate Attributes	Learning Outcomes		
	1	2	3
6 - Information Technology Competence			
7 - Cross Cultural Competence			
8 - Ethical practice			
9 - Social Innovation			
10 - Aboriginal and Torres Strait Islander Cultures			

Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Presentation and Written Assessment - 50%	•	•	•							
2 - Written Assessment - 50%	•	•	•							

Textbooks and Resources

Textbooks

There are no required textbooks.

Additional Textbook Information

Prescribed readings available via Moodle.

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)
 For further information, see the Assessment Tasks.

Teaching Contacts

Samuli Haataja Unit Coordinator
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Schedule

Week 1 - 10 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
1 Source Code and Conventions	Lawrence Lessig, 'The Law of the Horse: What Cyberlaw Might Teach' (1999) 113(2) <i>Harvard Law Review</i> 501	

Week 2 - 17 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
2 Regulating the Virtual and the Digital	Brian Fitzgerald et al, <i>Internet and E-Commerce Law - Technology Law and Policy</i> (2nd ed, 2011) Ch 1	

Week 3 - 24 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
3 Globalisation, Virtual Jurisdiction, Digital Governance	Brian Fitzgerald, 'Dow Jones & Co Inc v Gutnick: Negotiating 'American Legal Hegemony in the Transnational World of Cyberspace' (2003) 27 <i>Melbourne University Law Review</i> 590	

Week 4 - 31 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
A Virtual Identity 4 Digital Authentication and Security	Ben Buchanan, 'Bypassing encryption: 'Lawful hacking' is the next frontier of law enforcement technology' <i>The Conversation</i> (March 2017) available at http://theconversation.com/bypassing-encryption-lawful-hacking-is-the-next-frontier-of-law-enforcement-technology-74122 Paul McLaughlin, 'Crypto Wars 2.0: Why Listening to Apple on Encryption Will Make America More Secure' (2016) 30(2) <i>Temple International & Comparative Law Journal</i> 353	

Week 5 - 07 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
5 Digital Privacy	Sara Smyth 'Does Australia Really Need Mandatory Data Breach Notification Laws - And If So, What Kind' (2013) 22(2) <i>Journal of Law, Information and Science</i> 159 PricewaterhouseCoopers, 'Australia introduces mandatory data breach notification regime' (14 February 2017) available at http://www.pwc.com.au/legal/assets/legaltalk/privacy-amendment-notifiable-data-breaches-bill-2016.pdf	

Vacation Week - 14 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic

Week 6 - 21 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
B Virtual Business 6 Digital Technology Contracts	Yee Fen Lim, <i>Cyberspace Law: Commentaries and Materials</i> (Oxford University Press, 2nd ed, 2007) Ch 3	

Week 7 - 28 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
7 Digital Software Licensing	Andres Guadamuz, 'Free and Open Source Software' in Lilian Edwards and Charlotte Waelde (eds), <i>Law and the Internet</i> (Hart, 2009) Ch 11	Presentation and Written Assessment Due: Week 7 Monday (28 Aug 2017) 5:00 pm AEST

Week 8 - 04 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
C Virtual Space 8 Digital Speech and Media	Freedom House, <i>Freedom on the Net 2016: Australia</i> (2016) https://freedomhouse.org/sites/default/files/FOTN%202016%20Australia.pdf Freedom House, <i>Silencing the Messenger: Communication Apps under Pressure</i> (November 2016) https://freedomhouse.org/sites/default/files/FOTN_2016_BOOKLET_FINAL.pdf pp 1-27	

Week 9 - 11 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic

9 Digital Games	Bobby Glushko, 'Tales of the (Virtual) City: Governing Property Disputes In Virtual Worlds' (2007) 22(1) <i>Berkeley Technology Law Journal</i> 507 Yee Fen Lim, 'Is it really just a game? Copyright and online role-playing games' (2006) 1(7) <i>Journal of Intellectual Property Law & Practice</i> 481
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Week 10 - 18 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
E Virtual Wrongs 10 Digital Crime	Roderic Broadhurst, 'Cybercrime in Australia' in Antje Deckert and Richard Sarre (eds), <i>The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice</i> (Palgrave Macmillan, 2017) Ch 19 Dane Weber, 'The Cybernetic Sea: Australia's Approach to the Wave of Cybercrime' (2014) 14(2) <i>QUT Law Review</i> 52	

Week 11 - 25 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
11 Digital Piracy	Tom Golder and Richard Sawyer, 'Dallas Buyers Club: protecting Australian consumers from 'speculative invoicing'' (2015) 10(12) <i>Journal of Intellectual Property Law & Practice</i> 896 Anita Cade and Marlia Saunders, 'Content Denied: ISPs Ordered to Block Overseas Piracy Websites' (2017) 4(31) <i>Law Society Journal</i> 76 Anna Spies and Cate Nagy, 'The new website blocking power: s 115A of the Copyright Act' (2015) 28(8) <i>Australian Intellectual Property Law Bulletin</i> 210	

Week 12 - 02 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
12 Compile and Code Comments	The final assessment will be held in week 12 so there are no new materials to read for this week.	Written Assessment Due: Week 12 Wednesday (4 Oct 2017) 12:00 pm AEST

Review/Exam Week - 09 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Exam Week - 16 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Assessment Tasks

1 Presentation and Written Assessment

Assessment Type

Presentation and Written Assessment

Task Description

This assessment item requires you to write a 2500 word research essay and submit a 5 minute video presentation that provides a summary of your research. The essay question and topics will be made available in week 1.

Assessment Due Date

Week 7 Monday (28 Aug 2017) 5:00 pm AEST

Return Date to Students

Week 9 Friday (15 Sept 2017)

Weighting

50%

Assessment Criteria

- Understanding of issues raised by internet/digital technology in chosen area of law
- Critical analysis of impact of internet/digital technology on chosen area of law
- Quality of argument developed in response to essay question
- Independent research evidenced by reference to academic sources consistent with AGLC
- Quality of expression, communication skills, structure, and presentation

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Learning Outcomes Assessed

- Explain and critique national and international Internet legal frameworks and regulation.
- Discuss the civil and criminal liability risks of Internet activities and associated risk management strategies.
- Research, analyse and present appropriate solutions to common legal problems associated with information technology.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking

2 Written Assessment

Assessment Type

Written Assessment

Task Description

This assessment item is a take home paper which requires you to answer short answer questions and hypothetical problems based on the topics covered in the unit. It will be made up 5 questions (2 hypothetical problems worth 15% each and 3 short answer questions worth 20% in total).

Assessment Due Date

Week 12 Wednesday (4 Oct 2017) 12:00 pm AEST

The take home paper will be made available at 8:00 AM AEST on Tuesday 3 October 2017. It is due by 12:00 PM AEST (noon) on Wednesday 4 October 2017.

Return Date to Students

Exam Week Friday (20 Oct 2017)

Weighting

50%

Assessment Criteria

- Understanding of topics covered in course
- Ability to use problem solving skills to answer hypothetical legal problems
- Written communication skills

Referencing Style

- [Australian Guide to Legal Citation, 3rd ed](#)

Submission

Online

Learning Outcomes Assessed

- Explain and critique national and international Internet legal frameworks and regulation.
- Discuss the civil and criminal liability risks of Internet activities and associated risk management strategies.
- Research, analyse and present appropriate solutions to common legal problems associated with information technology.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem