

LAWS70181 Defamation Law

| Credit Points: | 12.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Level: | 7 (Graduate/Postgraduate) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dates & Locations: | 2016, Parkville This subject commences in the following study period/s: November, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Time Commitment: | Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prerequisites: | <p>Melbourne Law Masters Students: None</p> <p>JD Students: Successful completion of all the below subjects:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.5</td> </tr> <tr> <td>LAWS50031 Legal Theory</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50036 Remedies</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50025 Torts</td> <td>November, Semester 2</td> <td>12.5</td> </tr> </tbody> </table> | Subject | Study Period Commencement: | Credit Points: | LAWS50028 Constitutional Law | Semester 2 | 12.5 | LAWS50029 Contracts | Semester 2 | 12.5 | LAWS50027 Dispute Resolution | Semester 1 | 12.5 | LAWS50023 Legal Method and Reasoning | February | 12.5 | LAWS50031 Legal Theory | Semester 2 | 12.5 | LAWS50026 Obligations | Semester 1 | 12.5 | LAWS50024 Principles of Public Law | Semester 1 | 12.5 | LAWS50036 Remedies | Semester 2 | 12.5 | LAWS50025 Torts | November, Semester 2 | 12.5 |
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| LAWS50025 Torts | November, Semester 2 | 12.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Corequisites: | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Recommended Background Knowledge: | Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Non Allowed Subjects: | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Core Participation Requirements: | The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support. |
| Coordinator: | Prof Andrew Kenyon |
| Contact: | <p>Lecturers</p> <p>Professor Andrew Kenyon (http://www.law.unimelb.edu.au/staff/Andrew%20Kenyon) (Coordinator)</p> <p>Dr Matt Collins QC (http://www.law.unimelb.edu.au/staff/Matt%20Collins)</p> <p>Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au)</p> <p>Phone: +61 3 8344 6190</p> <p>Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)</p> |
| Subject Overview: | <p>There is no international consensus as to an appropriate balance by defamation laws between freedom of expression and the protection of reputation. The increasingly cross-border nature of communications has heightened the potential for conflict between different jurisdictions' laws. This subject examines Australia's defamation law and practice alongside a close analysis of other important common law jurisdictions, particularly United Kingdom and North America, to enable students to analyse, apply and critically evaluate defamation laws in contemporary contexts.</p> <p>The subject brings together two leading media law experts. Professor Andrew Kenyon is a Director of the Centre for Media and Communications Law and researches in all aspects of media law. Dr Matt Collins QC is an Australian barrister and author of a leading international text on defamation law.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Elements of the cause of action: publication, identification, defamatory meaning # Truth-related defences # Fair comment and honest opinion # Privilege and fair report defences # Other defences # Jurisdiction and choice of law # Remedies and practice # Related causes of action # English and American defamation law: comparative focus |
| Learning Outcomes: | <p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # have an advanced and integrated detailed understanding of the ways in which Australian defamation laws regulate free speech and the right to reputation # have a sophisticated appreciation of the key differences between Australian defamation laws and the defamation laws of other important common law countries, principally England and the United States # be able to examine critically and analyse independently the law and divergent legal norms in Australian, English and American defamation law # have a detailed appreciation of how modern and global media of communication have challenged traditional principles for regulating freedom of speech and the right to reputation |
| Assessment: | Take-home examination (5,000-6,000 words), scheduled 13-16 January 2017 (100%) OR Research paper on a topic approved by the subject coordinator (10,000 words), due 22 February 2017 (100%) Hurdle requirement: A minimum of 75% attendance is a hurdle requirement. |
| Prescribed Texts: | Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period. |
| Breadth Options: | This subject is not available as a breadth subject. |
| Fees Information: | Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees |

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| Links to further information: | www.law.unimelb.edu.au/subject/LAWS70181/2016 |
| Related Course(s): | Graduate Diploma in Communications Law Graduate Diploma in Legal Studies Juris Doctor Master of Commercial Law Master of Laws Master of Public and International Law |