

## LAWS70184 Free Speech, Contempt and the Media

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the scheduled subject start 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.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	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.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	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 will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>It has been over 20 years since the High Court confirmed the existence and operative effect of the implied constitutional guarantee of freedom of governmental and political communication in the landmark decision in <i>Lange v ABC</i>. Yet freedom of speech in Australia remains subject to a wide range of legal limitations, many of which would be struck down as unconstitutional in other common law jurisdictions. This subject explores the limitations on free speech that arise as a result of proceedings and processes initiated by arms of the state and prosecutorial authorities: legislative, executive and judicial, and from censorship of sexually explicit material to restrictions applying to the advocacy of terrorism. Those restrictions profoundly affect the material that may be published by the media. It is the impact of the current restrictions on free speech on both the media and on non-media elements of civil society that are the focus of this subject.</p> <p>This subject provides an examination of Australian law affecting the media's ability to report the courts, the executive and parliament.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># Contempt of court</li> <li># Contempt of parliament</li> </ul>

	<ul style="list-style-type: none"> <li># Offensive publications: violence, pornography and racism</li> <li># Seditious publications</li> <li># Access to information in court</li> <li># Government information: security and official secrets</li> <li># Freedom of speech: theoretical issues and international perspectives.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of key principles of the law as it effects free speech, contempt and the media in Australia and comparable jurisdictions</li> <li># Be able to critically examine, analyse, interpret and assess the effectiveness of these legal principles</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to free speech, contempt and the media</li> <li># Be an engaged participant in debate regarding emerging and contemporary issues in the field</li> <li># Have a sophisticated appreciation of the factors and processes driving law reform</li> <li># Have the cognitive and technical skills to generate critical and creative ideas, and to critically evaluate existing legal theories, principles and concepts with creativity and autonomy</li> <li># Have the communication skills to clearly articulate and convey complex information regarding free speech, contempt and the media to relevant specialist and non-specialist audiences</li> <li># Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of the law as it effects free speech, contempt and the media in Australia.</li> </ul>
<b>Assessment:</b>	Class participation (10%) Take-home examination (90%) (17-20 April) or 8,000 word research paper (90%) (20 May) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70184/2015">www.law.unimelb.edu.au/subject/LAWS70184/2015</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.
<b>Related Course(s):</b>	<ul style="list-style-type: none"> <li>Graduate Diploma in Communications Law</li> <li>Graduate Diploma in Government Law</li> <li>Graduate Diploma in Legal Studies</li> <li>Master of Commercial Law</li> <li>Master of Laws</li> <li>Master of Public Administration</li> <li>Master of Public Administration (Enhanced)</li> <li>Master of Public and International Law</li> </ul>