

# LAWS40022 Australian Bills of Rights

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2012. To be taught intensively over the summer semester.
<b>Time Commitment:</b>	Contact Hours: Intensive over the summer semester (24 contact hours). Total Time Commitment: 144 hours.
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; Constitutional Law; Administrative Law; or in each case their equivalents.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> ( <a href="mailto:law-studentcentre@unimelb.edu.au">mailto:law-studentcentre@unimelb.edu.au</a> ) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	This subject introduces students to the key elements of the new Australian human rights Acts – the Victorian Charter of Human Rights and the ACT Human Rights Act. These Acts dramatically change the human rights landscape in Australia. This subject will equip students with the knowledge and skills needed to understand, apply and critically assess these Acts. Topics covered will include: the history of Australian human rights Acts; the international and comparative context of these Acts; how these Acts work, including their application in the law-making process, the obligations on government to comply with human rights, remedies for breach of human rights and the obligation to interpret legislation consistently with human rights; and case studies of significant rights protected by these Acts, chosen from a list including criminal procedure rights, freedom of expression, freedom from discrimination and property rights.
<b>Objectives:</b>	On completion of this subject, students should: <ul style="list-style-type: none"> <li># Have developed an understanding of: the structure and operation of the existing and proposed Australian Human Rights Acts and Bills of Rights, in theory and practice; the core provisions of the existing and proposed Australian Human Rights Acts and Bills of Rights and the various models used in other Commonwealth countries; the principles that influence debate about and design of the existing and proposed Australian Human Rights Acts and Bills of Rights, including principles relating to democracy and individual rights; the impact of the existing and proposed Australian Human Rights Acts and similar Acts in other countries on the policy process and policy options; the impact of the existing and proposed Australian Human Rights Acts and similar Acts in other countries on the individual and different groups within society;</li> <li># Be able to draw on this understanding to: describe and critically analyse the principles that influence the debate about and design of Human Rights Acts and Bills of Rights; describe and critically analyse the structure and operation of the existing and proposed Australian Human Rights Acts and Bills of Rights, in theory and practice; apply human rights legislation to new fact situations;</li> <li># Present these descriptions, analyses and applications of principles in the form of written arguments that are appropriately structured, developed, supported and referenced;</li> <li># Have enhanced general cognitive skills in relation to reading and comprehending legal materials; logical analysis and reasoning; legal research and writing; application of</li> </ul>

	legal principles to factual situations; identifying relevant factual information; identifying and considering options to resolve legal problems; drawing on the knowledge of other disciplines to understand and resolve legal issues.
<b>Assessment:</b>	Attendance at 75% of classes (hurdle) Class participation (10%) AND 5,000-word research assignment, due beginning March (90%) OR 3-hour supervised, written examination, at the end of February (90%)
<b>Prescribed Texts:</b>	Carolyn Evans and Simon Evans, <i>Australian Bills of Rights: The Law of the Victorian Charter and the ACT Human Rights Act</i> (2008 LexisNexis); Printed materials will be available from the Melbourne Law School.
<b>Recommended Texts:</b>	Evans and Pound, <i>An Annotated Guide to the Victorian Charter of Human Rights and Responsibilities</i> (Thomsons).
<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>Generic Skills:</b>	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage;</li> <li># The capacity for close reading and analysis of a range of sources;</li> <li># The capacity for critical and independent thought and reflection;</li> <li># The capacity to solve problems, including through the collection and evaluation of information;</li> <li># The capacity to communicate, both orally and in writing;</li> <li># The capacity to plan and manage time;</li> <li># Intercultural sensitivity and understanding.</li> </ul> <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> <li>- Case reading and analysis, including an ability to: <ul style="list-style-type: none"> <li># Read complex human rights cases, including unedited cases in the law reports;</li> <li># Extract important features from judgments;</li> <li># Reconcile judgments;</li> <li># Evaluate the development of legal principles;</li> <li># Apply legal principles arising from case law to new situations.</li> </ul> </li> <li>- Statutory reading, interpretation and analysis, including an ability to: <ul style="list-style-type: none"> <li># Use, interpret and apply provisions of Human Rights Acts to new situations;</li> <li># Apply the distinct principles of Human Rights Acts in interpreting other legislation.</li> </ul> </li> <li>- Legal analysis and problem-solving, including an ability to: <ul style="list-style-type: none"> <li># Critically analyse human rights legislation with reference to fundamental principles;</li> <li># Identify and analyse human rights issues arising in complex fact situations;</li> <li># Apply human rights principles and provisions to unfamiliar fact situations;</li> <li># Develop and present an appropriately structured and supported legal argument.</li> </ul> </li> <li>- Legal research skills, including an ability to: <ul style="list-style-type: none"> <li># Find primary historical sources relevant to human rights;</li> <li># Find case law;</li> <li># Find statutes and constitutions;</li> <li># Find secondary sources;</li> <li># Identify the most relevant and up-to-date primary and secondary sources and justify the research process.</li> </ul> </li> <li>- Legal writing skills, including an ability to:</li> </ul>

	<ul style="list-style-type: none"><li># Use case law as part of legal analysis;</li><li># Use human rights legislation as part of legal analysis;</li><li># Identify and summarise legal principles;</li><li># Identify and summarise fundamental principles;</li><li># Use proper referencing and citation;</li><li># Present an appropriately structured and supported complex legal argument.</li></ul> <ul style="list-style-type: none"><li>- Oral communication skills in participating in classroom problem solving and discussion;</li><li>- An ability to work in groups to solve problems and critically analyse legal materials in a classroom setting.</li></ul>
<b>Notes:</b>	<p>This subject has a quota of 40. Please contact the Law Student Centre for enrolment information.</p> <p>The essay in this subject is regarded as a substantial piece of legal writing for honours purposes.</p>