

# LAWS50068 Equality and Discrimination Law

Credit Points:	12.50																										
Level:	5 (Graduate/Postgraduate)																										
Dates & Locations:	This subject is not offered in 2014.																										
Time Commitment:	Contact Hours: 36 hours. Total Time Commitment: 144 hours.																										
Prerequisites:	<table><tr><th>Subject</th><th>Study Period Commencement:</th><th>Credit Points:</th></tr><tr><td>LAWS50023 Legal Method and Reasoning</td><td>February</td><td>12.50</td></tr><tr><td>LAWS50024 Principles of Public Law</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50025 Torts</td><td>November, Semester 2</td><td>12.50</td></tr><tr><td>LAWS50026 Obligations</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50027 Dispute Resolution</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50028 Constitutional Law</td><td>Semester 2</td><td>12.50</td></tr><tr><td>LAWS50032 Administrative Law</td><td>Semester 1</td><td>12.50</td></tr></table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50025 Torts	November, Semester 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50028 Constitutional Law	Semester 2	12.50	LAWS50032 Administrative Law	Semester 1	12.50
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Corequisites:	None.																										
Recommended Background Knowledge:	None.																										
Non Allowed Subjects:	<table><tr><th>Subject</th><th>Study Period Commencement:</th><th>Credit Points:</th></tr><tr><td>LAWS70025 Equality and Discrimination at Work</td><td>Not offered 2014</td><td>12.50</td></tr></table>			Subject	Study Period Commencement:	Credit Points:	LAWS70025 Equality and Discrimination at Work	Not offered 2014	12.50																		
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Core Participation Requirements:	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis 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 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 must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>																										
Contact:	<p>Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475</p>																										
Subject Overview:	<p>This subject examines the development, operation and future of anti-discrimination laws in Australia. Since legislation was first adopted in the 1960s to respond to problems of</p>																										

	<p>discrimination in society, there has been significant expansion of its scope, and development of theoretical scholarship concerning its basis and how it operates. The challenge is to appreciate the capacities and limitations of law in trying to change broad social behaviour patterns in wide ranging areas of activity such as work, education, and supply of goods, services and accommodation. The intellectual background of the subject includes the Australian social context, and a consideration of the ideas of equality and discrimination, and theories about their causes and remedies. As theory and legislative design has become more sophisticated, the emphasis in both has moved from discrimination to the underlying aim of equality. The subject examines the difficulties of operating within a federal system, and critically analyses the effectiveness of anti-discrimination law in reducing inequality in Australia and contrasts Australian law with other international approaches.</p> <p>The subject focuses mainly on the major characteristics of sex and sexuality, race, and disability. The optional research paper provides students with an opportunity to study one of these areas, or another area of the law, in greater depth. The subject also offers the option of undertaking a placement in a legal service working in anti-discrimination law to provide an experiential basis for understanding and evaluating the law in operation. As limited placements are available, a selection process will be undertaken at the start of the subject if necessary.</p> <p>The subject aims to develop expertise in the current legislative approaches and their development, a critical understanding of the historical and theoretical foundations of the law, and to evaluate its effect, including through international comparison. It considers how effective law has been in changing social practices and eliminating discrimination, and whether alternative approaches offer better prospects.</p>
<b>Learning Outcomes:</b>	<p>On completion of this subject, students will:</p> <p>Have developed a detailed, sophisticated and contextual understanding of:</p> <ul style="list-style-type: none"> <li># The social dimensions of inequality and discrimination in Australia;</li> <li># The philosophical and legal concepts of equality and discrimination underpinning the legislation, their complexities, and the legal, theoretical and practical hurdles to giving full effect to the legislative scheme;</li> <li># The structure, purpose and application of anti-discrimination legislation;</li> <li># The history and development of the legislation in Australia, including its relationships with international human rights law, the successive stages of development, the interaction of legislative change and judicial interpretation, and current debates about legislative harmonisation and consolidation;</li> <li># The complexities of the legislation in the context of a federal system and its scope, extending across work, education, many areas of business, government services, etc;</li> <li># The powers and challenges for agencies that play a role in enforcing the law, and for individuals seeking to enforce or defend a claim;</li> <li># How Australia's legislation and its effects compares with that of other relevant countries such as NZ, Canada, UK and the EU;</li> <li># The factors that affect or limit the ability of the law to achieve its aims, and alternative approaches, such as positive action and positive duties; and</li> <li># The capacity and limits of law as a mechanism of broad social change.</li> </ul> <p>As a result students who successfully complete this subject will be able to:</p> <ul style="list-style-type: none"> <li># Analyse and research complex situations and apply the legislation and theories to them;</li> <li># Critically analyse and evaluate the problems and theories underlying the legislation and its application and limits; and</li> <li># Effectively communicate, to specialist and non-specialist audiences alike, their thinking in relation to both legal and broader discussions of legal efforts to counteract discriminatory acts, practices and structures.</li> </ul>
<b>Assessment:</b>	<p>1. For students NOT undertaking a placement: Reflective essay of 1,500 words, 20% AND EITHER Final examination of two hours, 80% OR Research essay of 5,000 words, 80%. OR</p> <p>2. For students undertaking a placement: Assessment of placement performance 20%; and Written assignment of 2,500 words, 40%; and Final examination (1 hour), 40%.</p>
<b>Prescribed Texts:</b>	<p>Specialist printed materials will also be made available from Melbourne Law School; Neil Rees, Katherine Lindsay, and Simon Rice, Australian Anti-Discrimination Law: Text, Cases and Materials (latest edition).</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>

<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 critically analysed a specific decision in anti-discrimination law from the perspective of both legal technique and theoretical perspectives. They will have further developed the following specialist skills:</p> <ul style="list-style-type: none"> <li># Expertise in recognising the complexities and tensions inherent in using law as an instrument of social change and applying theoretical ideas through legislation;</li> <li># The ability to learn from encountering very different perspectives, and sensitivity to the experiences and ideas of people from very different backgrounds to their own, including across cultures, gender, sexuality, age and other classifications;</li> <li># The ability to use complex legal materials and structures within a federal framework to read, interpret and analyse statutes, and understand the significance of variations in approaches in different jurisdictions, as well as to read analytically and understand complex cases focussing on statutory interpretation. This includes the demonstrated capacity to critically analyse the approach of decision-makers to the interpretation of anti-discrimination laws, including the nature of the arguments that courts accept and reject, and the approaches of parliaments to reform;</li> <li># Exploring the relationship between legal and social thought and analysis;</li> <li># Understanding the practical effects of legislation and legal decisions as well as the doctrinal outcomes of legal decisions.</li> </ul> <p>In addition, students undertaking a placement will further develop their practical skills in relation to legal workplaces of:</p> <ul style="list-style-type: none"> <li># Working cooperatively in a human rights organisation;</li> <li># Undertaking research of practical value to that organisation;</li> <li># Learning through observation and experience about the work of the organisation and the experiences of its client group; and</li> <li># Work-related skills such as communication, time management, and office organisation.</li> </ul>
<b>Notes:</b>	This subject has a quota of 60 students.