

730-389 Australian Bills of Rights

Credit Points:	12.500
Level:	Undergraduate
Dates & Locations:	This subject is not offered in 2008. To be taught intensively over the summer semester
Time Commitment:	Contact Hours: To be taught intensively over the summer semester Total Time Commitment: Estimated total time commitment of 144 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Constitutional Law or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Coordinator:	Dr S Evans - Dr C Evans
Subject Overview:	<p>Australia now has two Bills of Rights: the Victorian Charter of Human Rights and Responsibilities 2006 and the ACT Human Rights Act 2004. More are likely to follow. Victorian law will be transformed quite radically from 1 January 2008 when the Charter comes into full effect. The Charter (like the ACT Human Rights Act and overseas counterparts) requires legislators to consider the human rights implications of Bills. It requires government to comply with human rights. It requires lawyers and others to interpret legislation consistently with human rights. And it enables the courts to grant some remedies in relation to breaches of human rights.</p> <p>This subject will equip students with the knowledge and skills needed to understand, apply and critically assess the Charter, the ACT Human Rights Act and similar Bills of Rights. Topics covered will include:</p> <ul style="list-style-type: none"> # History of Australian Bills of Rights and Human Rights Acts # Overseas models for Australian Bills of Rights and Human Rights Acts: the US, Canada, New Zealand, South Africa and the United Kingdom # Democratic theory and the bill of rights debate # Human rights in the policy process # Parliamentary scrutiny of human rights # Ministerial accountability for human rights # Interpreting legislation to be compatible with human rights # Consequences of legislation being incompatible with human rights # Enforcing human rights and remedies for breach of human rights # Human Rights Commissions and related institutions # Entrenching and overriding human rights
Assessment:	Take home examination (maximum of 4000 words) at the end of the summer semester.
Prescribed Texts:	Printed materials will be issued by the Faculty of Law.

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
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage # the capacity for close reading and analysis of a range of sources # the capacity for critical and independent thought and reflection # the capacity to solve problems, including through the collection and evaluation of information # the capacity to communicate, both orally and in writing # the capacity to plan and manage time # intercultural sensitivity and understanding <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"> # case reading and analysis, including an ability to: # read complex human rights cases, including unedited cases in the law reports # extract important features from judgments # reconcile judgments # evaluate the development of legal principles # apply legal principles arising from case law to new situations # statutory reading, interpretation and analysis, including an ability to: # use, interpret and apply provisions of Human Rights Acts to new situations # apply the distinct principles of Human Rights Acts in interpreting other legislation # legal analysis and problem-solving, including an ability to: # critically analyse human rights legislation with reference to fundamental principles # identify and analyse human rights issues arising in complex fact situations # apply human rights principles and provisions to unfamiliar fact situations # develop and present an appropriately structured and supported legal argument # legal research skills, including an ability to: # find primary historical sources relevant to human rights # find case law # find statutes and constitutions # find secondary sources # identify the most relevant and up-to-date primary and secondary sources and justify the research process # legal writing skills, including an ability to: # use case law as part of legal analysis # use human rights legislation as part of legal analysis # use secondary sources as part of legal analysis # identify and summarise legal principles # identify and summarise fundamental principles # use proper referencing and citation # present an appropriately structured and supported complex legal argument # al communication skills in participating in classroom problem solving and discussion # an ability to work in groups to solve problems and critically analyse legal materials in a classroom setting