

## 732-705 Australian Charters of Rights

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Time Commitment:</b>	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidates background and experience.
<b>Prerequisites:</b>	<i>Students who have completed Protecting Rights or Victorian Charter in Comparative Perspective may not undertake this subject.</i>
<b>Corequisites:</b>	N.A.
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	N.A.
<b>Subject Overview:</b>	<p><b>Objectives:</b></p> <p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Appreciate the historical debate over bills of rights in Australia</li> <li># Understand the key features and operation of the Victorian Charter of Human Rights and Responsibilities, the <i>Human Rights Act 2004 (ACT)</i> and other state or territory charters of rights in Australia</li> <li># Understand different bills or charters of rights models in other jurisdictions</li> <li># Be able to critically evaluate the effectiveness of the charters of rights models that exist in Australia to protect human rights, and participate in the debate about potential future developments</li> <li># Be able to identify situations in which human rights issues may arise and how the Victorian Charter and the <i>Human Rights Act (ACT)</i> may be utilised in their resolution</li> <li># Be able to research and advise on the substantive rights protected and the operational features of Australian charters of rights.</li> </ul> <p><b>Syllabus:</b></p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># Background to the introduction of bills of rights in Australia</li> <li># Key features and framework of the Victorian Charter and the Human Rights Act (ACT) in comparative perspective, including: <ul style="list-style-type: none"> <li># Ministerial statements of compatibility and scrutiny of bills</li> <li># Interpreting legislation compatibly with human rights and declarations of inconsistent interpretation</li> <li># The concept of 'public authorities' and the rights-compliance obligations of public authorities Impact on the private sphere</li> <li># The principle of proportionality and reasonable limitations on human rights</li> <li># Bringing legal proceedings under the Victorian Charter and the <i>Human Rights Act (ACT)</i> and their interaction with the existing law</li> </ul> </li> <li># Overview of the key features of comparable human rights instruments in other jurisdictions, principally Canada, New Zealand and the United Kingdom</li> <li># Interpretation and application of selected human rights, in comparative perspective, including the freedoms of expression, movement and religion, property rights, conditions of detention and the right to a fair hearing (subject to change)</li> <li># Implementation of charters of rights in government, including the role of Human Rights and Equal Opportunity Commissions</li> <li># Potential for future developments, including a federal charter of rights.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (11–14 December) or Research paper 10,000 words (100%) (1 February 2010) (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. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
<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>	Please see the Subject Objectives for this information.
<b>Links to further information:</b>	For the latest information on this subject, please visit: <a href="http://www.masters.law.unimelb.edu.au/subject/732705">http://www.masters.law.unimelb.edu.au/subject/732705</a>