

## LAWS40024 Discrimination, Law and Equality

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	2010, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: Three hours of seminars per week. Total Time Commitment: 120 hours.
<b>Prerequisites:</b>	730-111 Legal Method and Reasoning; 730-112 Principles of Public Law; 730-114 Torts.
<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>Coordinator:</b>	Assoc Prof Beth Gaze
<b>Contact:</b>	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
<b>Subject Overview:</b>	This subject examines the challenges of using law to counter discrimination and critically examines the contribution of anti-discrimination law to reducing inequality. We begin by exploring the concepts of equality and discrimination and the Australian social context. Turning to the legal response, we introduce international law on equality and discrimination and Australian human rights law, and constitutional protections in other countries for equality or non-discrimination rights. State and Federal anti-discrimination laws and their interpretation and use will be studied primarily through sex discrimination case law. Other grounds of discrimination including race, disability and sexuality will be considered to a lesser extent. (Students with a strong interest in discrimination on these or other grounds, such as age, political or religious belief etc. can use the research paper as an opportunity to study these areas in more detail). The law prohibits discrimination in certain defined situations, but has been subjected to complex and technical interpretations by the judiciary. The effectiveness of the legislation in changing social practices and eliminating discrimination will be evaluated and alternative approaches considered.
<b>Objectives:</b>	On completion of the subject a student should have developed an understanding of the social context of inequality and discrimination in Australia; the philosophical and legal concepts of equality and discrimination; the legal response to disadvantage and discrimination in Australia and other countries, including relevant human rights law; the structure, purpose and application of anti-discrimination legislation and the factors that affect or limit the ability of the law to achieve its aims. A student should be able to draw on this understanding and knowledge to critically analyse and evaluate: the concepts of equality, and discrimination, and how the law incorporates them; the interpretations and application of the law to discrimination; alternative legal and other approaches to the reduction of discrimination, such as positive action, and the capacity and limits of law as a mechanism of social change.
<b>Assessment:</b>	1,500-word Reflective essay, due week 9 (20%) ANDA final two-hour examination (80%) OR 1,500-word Reflective essay, due week 10 (20%) ANDA 5,000-word Research essay, due

	<p>during the exam period (80%) Students undertaking a placement: Assessment of placement performance, by external supervisor in consultation with the subject coordinator, during the first week of the exam period (20%) (This assessment does not involve any further work by the student after completion of the placement) AND 2,500-word Assignment on a topic of value to the placement organisation, due at the start of the exam period (40%) AND a final one-hour examination, during the exam period (40%)</p>
<b>Prescribed Texts:</b>	Printed materials will be available from the Melbourne Law School.
<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 or further developed the following generic skills:</p> <ul style="list-style-type: none"> <li>- Thinking skills: <ul style="list-style-type: none"> <li># Understand complexities inherent in concepts of equality and discrimination;</li> <li># Develop 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># Value the ability to learn from encountering very different perspectives.</li> </ul> </li> <li>- Case reading and analysis: <ul style="list-style-type: none"> <li># Read complex cases with a special focus on statutory interpretation and the purposive interpretation of legislation;</li> </ul> </li> <li>- Reading and interpreting legislation: <ul style="list-style-type: none"> <li># Read, interpret and analyse statutes, and understand the significance of variations in approaches in different jurisdictions;</li> </ul> </li> <li>- Critical and legal analysis and problem solving: <ul style="list-style-type: none"> <li># Critically analyse the approach of the courts and decision-makers to the interpretation of anti-discrimination laws;</li> <li># The relationship between legal and social thought and analysis;</li> <li># Examining the impact of practical effects of law as well as doctrinal outcomes of legal decisions.</li> </ul> </li> <li>- Legal research and writing skills (Students who complete a research paper): <ul style="list-style-type: none"> <li># Locating resources for research in relation to equality and discrimination and anti-discrimination law;</li> <li># Ability to use legislation, case law and other materials as part of legal analysis;</li> <li># Present and evaluate a well structured and supported legal argument.</li> </ul> </li> <li>- Oral communication skills through seminar participation and class presentation on research in progress;</li> <li>- Practical workplace skills for students undertaking a placement: <ul style="list-style-type: none"> <li># Ability to work cooperatively in a human rights organisation;</li> <li># Ability to undertake practical research of value to that organisation;</li> <li># Learning through observation of the work of the organisation where the placement occurs;</li> <li># Manage their time in order to contribute in an office environment;</li> <li># Other work-place based skills such as communication and office organisation.</li> </ul> </li> </ul>
<b>Notes:</b>	The 5,000 word essay option can be considered as a substantial piece of legal writing.