

LAWS70334 Bills of Rights

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2010, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Visit the Melbourne Law Masters website for more information about this subject.
Prerequisites:	Visit the Melbourne Law Masters website for more information about this subject.
Corequisites:	Visit the Melbourne Law Masters website for more information about this subject.
Recommended Background Knowledge:	Visit the Melbourne Law Masters website for more information about this subject.
Non Allowed Subjects:	Visit the Melbourne Law Masters website for more information about this subject.
Core Participation Requirements:	Visit the Melbourne Law Masters website for more information about this subject.
Contact:	For the most up-to-date information about this subject, contact the Melbourne Law Masters Office by email at law-masters@unimelb.edu.au or phone 8344 6190 or alternatively visit the subject website: www.masters.law.unimelb.edu.au
Subject Overview:	Principal topics will include: <ul style="list-style-type: none"> # The context: Australia today - its current Constitution and the Bill of Rights debate # Constitutional rights in Canada: When they arrived (1982), what they look like, how the <i>Charter of Rights and Freedoms</i> balances the powers of the courts and legislatures and what Canada might have to offer Australia # Comparisons to other forms of rights protection in the US, the UK and NZ # Constitutional rights in federal systems of government (i.e., Canada, the US, Australia) # The literature and theory of judicial review: The nature of the debate, the relationship between courts and legislatures, and what judicial review looks like under different models (i.e., 'strong' versus 'weak' rights-protecting instruments) # Australia's options going forward.
Objectives:	This subject is designed to provide a forum for discussing, analysing and debating the merits of a constitutionalised or entrenched Bill of Rights. It will inform important debates taking place in Australia and enrich that discussion by direct comparisons to Canada and other nations who have adopted different models (some constitutional and others statutory) for the protection of rights. A student who has successfully completed this subject should: <ul style="list-style-type: none"> # Be able to analyse and debate different regimes for the protection of rights # Recognise the key similarities and differences between rights-protecting instruments (i.e., Canada, the United States, the United Kingdom and New Zealand) # Understand the underlying assumptions and institutional choices involved in adopting a particular model for the protection of rights # Reflect on the relationship between legislatures and courts under a constitutional Bill of Rights # Have an introduction to the literature on judicial review and debates on the legitimacy of review, as it is discussed outside Australia # Gain important insight into the question of a Bill of Rights for Australia. #
Assessment:	Take-home examination (100%) (16-19 April) or 10,000 word research paper (100%) (27 May) on a topic approved by the subject coordinator
Prescribed Texts:	Visit the subject website for more information

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:	Visit the Melbourne Law Masters website for more information about this subject.
Links to further information:	http://www.masters.law.unimelb.edu.au/