

LAWS70458 Mental Health Law

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: October, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	None
Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique 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 to 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Coordinator:	Prof Ian Freckelton
Contact:	For more information Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	This subject will analyse the relationship between psychiatry, psychology and law in contemporary Australia. It will address criteria and policy relating to involuntary status, focusing on the Mental Health Bill 2013; the role of the 2013 DSM-5; expert evidence by mental health practitioners; mental harm litigation; the role of post-traumatic stress disorder (PTSD) in civil litigation; prediction of risk in criminal law; syndrome evidence in litigation; profiling evidence; and therapeutic jurisprudence. Principal topics include: # Involuntary status in contemporary Australia # The role of the Chief Psychiatrist, the Mental Health Commissioner and the Mental Health Tribunal

	<ul style="list-style-type: none"> # The role of DSM-5 and ICD-10 # Therapeutic jurisprudence # Expert evidence by psychiatrists and psychologists # Fitness to stand trial under International Criminal Law # Civil litigation and complaints against mental health practitioners # Mental harm litigation # PTSD in the law # Prediction of risk evidence # Syndrome evidence.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have examined the legal and theoretical issues underlying the use of coercion in mental health law # Have an advanced and integrated understanding of involuntary inpatient and outpatient orders # Be familiar with the taxonomies of diagnosis in the courts and able to explain them to people from a different background # Have a sophisticated appreciation of issues surrounding fitness to stand trial, including under international criminal law # Have an advanced knowledge of the law relating to expert evidence by psychiatrists and psychologists # Have examined issues relating to mental harm litigation # Have critically examined the forensic relevance of conditions such as PTSD; Autism Spectrum Disorder and Intellectual Disability # Understand the significance of risk prediction evidence and criminal profiling evidence; and syndrome evidence # Be able to provide a detailed critique of the concept of therapeutic jurisprudence and its practical operation.
Assessment:	10,000 word research paper (100%) (26 January 2016) on a topic approved by the subject coordinator. A minimum of 75% attendance is a hurdle requirement.
Prescribed Texts:	Specialist printed material will be made available from Melbourne Law School. I Freckelton and H Selby, Expert Evidence: Law, Practice, Procedure and Advocacy (Thomson Reuters, Sydney, 5th edn, 2013).
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
Links to further information:	www.law.unimelb.edu.au/subject/LAWS70458/2015
Notes:	This subject has a quota of 30 students. Please refer to the website www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format (http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format) for further information about the management of subject quotas and waitlists.