

LAWS70451 Health Law and Human Rights

Credit Points:	12.5																					
Level:	7 (Graduate/Postgraduate)																					
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: October, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.																					
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours 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:	<p>Melbourne Law Masters Students: None</p> <p>JD Students: Successful completion of all the below subjects:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.5</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50032 Administrative Law</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.5	LAWS50024 Principles of Public Law	Semester 1	12.5	LAWS50028 Constitutional Law	Semester 2	12.5	LAWS50032 Administrative Law	Semester 1	12.5	LAWS50026 Obligations	Semester 1	12.5	LAWS50029 Contracts	Semester 2	12.5
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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 Student Equity and Disability Support.																					
Coordinator:	Prof Ian Freckelton																					

Contact:	<p>Lecturers</p> <p>Professor Ian Freckelton QC (http://www.law.unimelb.edu.au/staff/ian%20Freckelton) (Coordinator)</p> <p>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)</p>
Subject Overview:	<p>This subject will address a range of human rights in the health law area, including bioethical origins of contemporary views of health rights, Article 12 of the International Covenant on Economic, Social and Cultural Rights and the role of the Special Rapporteur, rights to life and death; rights to health information; rights to civil remedy and compensation for malpractice; rights to coronial investigation of deaths; rights to complain about registered practitioners, public health law rights; and mental health law rights.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Bioethical and human rights to health # Rights to health # Rights to mental health # Rights to health information # Rights to compensation for malpractice # Rights to death # Rights to death investigation # Rights to complaint and notification.
Learning Outcomes:	<p>A student who has successfully completed this subject will have:</p> <ul style="list-style-type: none"> # An advanced and integrated understanding of international and local human rights framework for provision of contemporary health services in Australia # Been an engaged participant in debates concerning human rights issues in relation to provision of treatment and entitlement to treatment # Awareness of law in relation to health privacy and critical incident review committee workings # Appreciation of patients' entitlements to specific forms of medication, including medicinal cannabis # A detailed understanding of distinctions in relation to human rights issues between life and death # Understanding of the concept and repercussions of the body as property, in a variety of rights contexts including burial, cremation, organ donation and post-mortem reproduction # Sophisticated understanding of the relevance to the law of human rights in relation to the turning off of life support and physician-assisted suicide and euthanasia # Understanding of the law of no further resuscitation # Awareness of the role of the coroner as a decision-maker in relation to rights to autopsy, exhumation; inquests and decision-making about causes of death # Understanding of rights issues in coronial practices, findings, and recommendations # Understanding of rights issues in wrongful life, wrongful birth and wrongful death actions # An appreciation of rights issues in relation to the investigation and determination of complaints against registered and unregistered health practitioners.
Assessment:	10,000 word research paper (100%) (15 February 2017) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.
Prescribed Texts:	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
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/LAWS70451/2016

Related Course(s):	Graduate Diploma in Health and Medical Law Graduate Diploma in Human Rights Law Graduate Diploma in Legal Studies Juris Doctor Master of Health and Medical Law Master of Human Rights Law Master of Law and Development Master of Laws Master of Public and International Law
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