

LAWS90057 Comparative Health Law

Credit Points:	12.5																					
Level:	9 (Graduate/Postgraduate)																					
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: March, 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.																					
Contact:	Lecturers																					

	<p>Professor Mary Anne Bobinski (http://www.law.unimelb.edu.au/staff/Mary%20Anne%20Bobinski) (Coordinator)</p> <p>Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au)</p> <p>Phone: +61 3 8344 6190</p> <p>Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)</p>
<p>Subject Overview:</p>	<p>This subject provides an opportunity to learn about how different societies grapple with common challenges in health care systems and to consider whether and how these comparisons can be helpful in guiding change within a particular system. While human biology is similar worldwide, the economic, social, and ethical aspects of health care are reflected through the prism of each society's culture, history and political framework. The legal responses to these economic, social and ethical debates therefore can vary from one society to another. This subject will explore comparative approaches to topics ranging from the structure and financing of the health care system to legal aspects of reproduction and death. The subject, while referencing Australian approaches, will use Canada and the U.S. as the base for comparison and will explore the approaches adopted in other countries as well.</p> <p>Professor Bobinski recently completed serving as the Dean of the Allard School of Law at the University of British Columbia, Canada. She has taught Comparative Health Law in Canada and the United States. She recently served as the President of the American Society of Law, Medicine and Ethics and as a member of the Canadian Public Health Officer's Ethics Advisory Committee, and previously directed a top-ranked health law program in the United States.</p> <p>Principal topics will include Comparative approaches to health law and policy rules in areas such as:</p> <ul style="list-style-type: none"> # The right to health and health care financing # Regulation and/or licensing of health care professionals # Quality of care # Contraception, abortion and sterilisation # Fetal conflicts # Assisted Reproduction, including the implications of advances in genetics # Consent to or refusal of care, including cases involving death and dying # Public health law including traditional aspects (eg, contagious diseases) and new areas such as public health approaches to obesity.
<p>Learning Outcomes:</p>	<p>The overall goals of the subject is to provide students with: (1) an advanced and integrated understanding of the range of health laws and policies governing some of the key issues in selected countries, including recent developments in this field of law and practice; and (2) an advanced understanding of the techniques of comparative legal analyses along with a critical perspective regarding the risks and benefits of comparative approaches in health law.</p> <p>Students successfully completing this subject will be able to demonstrate:</p> <ul style="list-style-type: none"> # Advanced knowledge about some of the key issues and debates in health law and policy in selected jurisdictions, including recent developments # The ability to critically examine, analyse, interpret and assess the effectiveness of these laws and policies # An advanced understanding of variations and major approaches to significant and contested health law and policy topics # The cognitive, technical skills and analytic skills to independently examine, research and analyse comparative health law approaches along with an advanced critical understanding of the benefits and limitations of comparative analyses # The ability to engage at a high level in debates regarding legal and policy approaches to emerging issues in areas ranging from health care finance to bioethics # A sophisticated appreciation of the factors and processes driving health care law reform and the use of comparative health law analyses # The analytical and communication skills to present a comparative health law analysis and to debate the risks and benefits of a comparative approach to relevant specialist and non-specialist audiences # The ability to demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of comparative health law.
<p>Assessment:</p>	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (13 - 16 May) A minimum of 75% attendance is a hurdle requirement.</p>

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/LAWS90057/2016
Related Course(s):	Graduate Diploma in Health and Medical Law Graduate Diploma in Legal Studies Juris Doctor Master of Health and Medical Law Master of Law and Development Master of Laws