

Course Title: **Mental Health and the Law**

Course Code: **LAWS727**

Descriptor Start Date: **14/04/2025**

Descriptor End Date: **31/12/2025**

POINTS: **15.00**

LEVEL: **7**

PREREQUISITE/S: **75 points from Part II**

COREQUISITE/S: **None**

RESTRICTION/S: **LAWS740 2017**

LEARNING HOURS

Hours may include lectures, tutorials, online forums, laboratories. Refer to your timetable and course information in Canvas for detailed information.

Total learning hours: 150

PRESCRIPTOR

Explores the operation of mental health legislation in Aotearoa, New Zealand, specifically focusing on the laws related to the civil commitment of people for psychiatric treatment and related legislation. Examines the experiences of tāngata whai ora (people seeking wellness), focusing on the diverse ways of understanding and responding to mental distress, being subjected to civil commitment and discrimination. Introduces the role of lawyers in upholding tāngata whaiora rights, as well as therapeutic jurisprudence and trauma-informed approaches to legal practice. Investigates the international human rights obligations for Aotearoa, New Zealand and aims to equip students with the skills to facilitate supported decision-making.

LEARNING OUTCOMES

1. Critically reflect on the key concepts and principles that shape the construction of mental health law.
2. Illustrate the application of mental health law across civil and criminal settings.
3. Identify the role of legal professionals and apply supported decision making principles
4. Evaluate mental-health law and policy in practice and produce an original work, proposing reform

Disclaimer: Course descriptors may be amended between teaching periods/semesters

CONTENT

- Introduction to diverse models and responses to mental distress
- Lived experiences of Māori and non-Māori tāngata whai ora of services and legal processes
- Discrimination, pre-textuality and therapeutic jurisprudence
- Current Mental Health (Compulsory Assessment and Treatment) Act processes
- The roles of lawyers as mental health advocates, District Inspectors and in Mental Health Review Tribunals
- International human rights obligations;
- Forensic mental health, including fitness to stand trial; legal insanity; psychiatric expert evidence; mental health in prison and forensic mental health settings;
- Making decisions about capacity
- Supported decision-making and its application
- Reforming mental health law

LEARNING & TEACHING STRATEGIES

An appropriate range of strategies that may include lectures, workshops & online learning.

ASSESSMENT PLAN

Assessment Event	Weighting %	Learning Outcomes
Critical reflection (Individual)	25.00	1, 2
Research Essay (Individual)	40.00	1, 2, 3, 4
Short Essay Answers (Individual)	35.00	1, 2, 3

Grade Map

MAP1

A+ A A- Pass with Distinction
B+ B B- Pass with Merit
C+ C C- Pass
D Fail

Overall requirement/s to pass the course:

The assessment structure for Summer School may differ to the assessment structure indicated in this descriptor.

LEARNING RESOURCES

Details of all learning resources (including journals, databases, websites etc) are available on Canvas. Required Text(s): If there is a required text, details are available by searching the University Bookshop's website: www.ubs.co.nz

For further information, contact: Te Ara Pakihi, Te Ohanga Me Te Ture - Faculty of Business, Economics and Law

Principal Programme: AK1008, Bachelor of Laws

Related Programme/s: AK1009 LLB(Hons), AK2601 CertLegalSt

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