

LAWS50024 Principles of Public Law

Credit Points:	12.5								
Level:	5 (Graduate/Postgraduate)								
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus.								
Time Commitment:	Contact Hours: 48 hours Total Time Commitment: 144 hours								
Prerequisites:	Successful completion of the below subject: <table><tr><td>Subject</td><td>Study Period Commencement:</td><td>Credit Points:</td></tr><tr><td>LAWS50023 Legal Method and Reasoning</td><td>February</td><td>12.50</td></tr></table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50
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LAWS50023 Legal Method and Reasoning	February	12.50							
Corequisites:	None								
Recommended Background Knowledge:	None								
Non Allowed Subjects:	None								
Core Participation Requirements:	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis 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 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 must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.</p>								
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Subject Overview:	<p>Principles of Public Law offers a foundation understanding of the fundamental principles of both domestic and international public law, in a manner that integrates the two as far as possible, to reflect their increasing interdependence in conditions of internationalisation and globalisation.</p> <p>The subject will canvass the manner in which power is organised within a state; the framework of international law within which states operate; and the relations between people and states, from the standpoint of both domestic and international law. It will thus deal with institutions of government and their operation; principles and procedures for the protection of human rights; the sources of international and domestic law; and the relationship between them. The subject will seek to explain how the principles of public law came to take their current form; to encourage critical evaluation of them, from the standpoint of both theory and practice; and to identify evolutionary trends and forces for change.</p>								

	<p>The subject is primarily concerned with the development and application of the principles of public law in the context of Australia. Nevertheless, the curriculum will deliberately draw on experience elsewhere, particularly (although not exclusively) in other common law legal systems. The subject-matter will be illustrated throughout by reference to contemporary issues, both to aid understanding and to encourage students to develop an informed view on questions of current importance. It will provide a basis on which subsequent subjects may build, including the compulsory subjects Constitutional Law and Administrative Law and the optional but popular subject Public International Law.</p> <p>Finally, the subject will contribute to the development of the legal and generic skills of the students enrolled in it. It will build on the material covered in Legal Method and Research with respect to case analysis, statutory interpretation, legal problem solving and the communication of legal ideas in written and spoken form. It will take special responsibility for the development of skills in relation to the understanding and application of statutes, which in any event is integral to the subject matter of public law.</p>
Learning Outcomes:	<p>On completion of this subject, students will be able to:</p> <ul style="list-style-type: none"> - Describe and critically analyse: <ul style="list-style-type: none"> # The concept of public law in common law legal systems and the historical process by which it developed; # The relationship between common law and statute; # The territorial limits of law; # The use of discretion in public international law; and # The nature, principal sources and institutional structures of public international law. - Apply: <ul style="list-style-type: none"> # Foundational concepts of public law in common law legal systems to solve or respond to identified public law problems and issues; and # Foundational concepts of public international law to solve or respond to public international law problems and issues; - Describe, critically reflect upon and debate: <ul style="list-style-type: none"> # The relationship between national and international public law in common law legal systems; # The distinction between public and private law in common law legal systems; # The role of courts in a common law legal system and the interface between courts and other branches of government; # The process of the historical evolution of the Australian constitutional and legal systems and its contemporary significance in Australia; # The significance of the use of a written entrenched Constitution; and # The historical and theoretical framework for written Constitutions in Australia. - Use the techniques and practices that underpin public law, including principles of statutory interpretation, to analyse and resolve questions or problems that arise in public law; - Communicate their knowledge, interpretation and application of principles and sources of public law and public international law effectively, constructively and persuasively in both oral and written forms tailored to audience; - Work autonomously and collaboratively to solve problems of public and public international law; - Engage in and reflect upon effective collaborative practices; - Apply good standards of citation practices where appropriate.
Assessment:	<p>Oral presentation and justification of the written memorandum, individually assessed (10%); 2,000 word written memorandum in response to a public law problem, prepared and assessed as a syndicate exercise (20%); A supervised 3 hour examination, during main examination period (70%) The due date of the above assessment will be available to students via the LMS.</p>
Prescribed Texts:	<p>Cheryl Saunders, <i>The Constitution of Australia: A Contextual Analysis</i> (Hart Publishing, 2011); Specialist printed materials will also be made available from the Melbourne Law School.</p>

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:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"># Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage;# The capacity for close reading and analysis of a range of sources;# The capacity for critical and independent thought and reflection;# The capacity to plan and manage time;# The capacity to work effectively in a team;# Intercultural sensitivity and understanding.
Related Course(s):	Juris Doctor Juris Doctor/Master of Business Administration