

# LAWS50024 Principles of Public Law

<b>Credit Points:</b>	12.50								
<b>Level:</b>	5 (Graduate/Postgraduate)								
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Seminars.								
<b>Time Commitment:</b>	Contact Hours: Two 2-hour seminars per week. Total Time Commitment: 144 hours.								
<b>Prerequisites:</b>	<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>12.50</td> </tr> </tbody> </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							
<b>Corequisites:</b>	None.								
<b>Recommended Background Knowledge:</b>	None.								
<b>Non Allowed Subjects:</b>	None.								
<b>Core Participation Requirements:</b>	<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 prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>								
<b>Coordinator:</b>	Prof Michael Crommelin								
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> ( <a href="mailto:law-studentcentre@unimelb.edu.au">mailto:law-studentcentre@unimelb.edu.au</a> ) Tel: +61 3 8344 4475								
<b>Subject Overview:</b>	<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</p>								

	<p>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>
<b>Objectives:</b>	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> <li># Understand the concept of public law in common law legal systems and the historical process by which it developed;</li> <li># Understand and be able to use foundational concepts of public law in common law legal systems: including statehood; sovereignty (parliamentary and otherwise); citizenship; representative government; responsible government; separation of powers; rule of law; human rights protection; federalism; the Crown;</li> <li># Understand the nature of public international law; its principal sources; and the institutional structure of the UN system;</li> <li># Understand and be able to use foundational concepts of public international law;</li> <li># Understand and be able to apply the relationship between national and international public law in common law legal systems;</li> <li># Understand, be able to use and be able to engage in debate on the distinction between public and private law in common law legal systems;</li> <li># Understand how public law underpins techniques and practices across the legal system, including statutory interpretation; the relationship between common law and statute; territorial limits of law; the use of discretion;</li> <li># Understand and be able to engage in debate on the role of courts in a common law legal system and the interface between courts and other branches of government;</li> <li># Understand the process of the historical evolution of the Australian constitutional and legal systems and its contemporary significance in Australia;</li> <li># Understand the significance of the use of a written entrenched Constitution;</li> <li># Be aware of the historical and theoretical framework for written Constitutions in Australia.</li> </ul>
<b>Assessment:</b>	<p>Practical exercises (due during semester in accordance with a coordinated assessment schedule) comprising:- A 2,000 word written memorandum in response to a public law problem, prepared and assessed as a syndicate exercise (20%);- Oral presentation and justification of the written memorandum, individually assessed (10%) A supervised 3 hour examination (70%).</p>
<b>Prescribed Texts:</b>	<p>Cheryl Saunders, The Constitution of Australia; A Contextual Analysis (Hart Publishing, 2011). Vaughan Lowe, International Law (OUP, 2007). Specialist printed materials will be made available from Melbourne Law School.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Generic Skills:</b>	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage;</li> <li># The capacity for close reading and analysis of a range of sources;</li> <li># The capacity for critical and independent thought and reflection;</li> <li># The capacity to plan and manage time;</li> <li># The capacity to work effectively in a team;</li> </ul>

	# Intercultural sensitivity and understanding.
Related Course(s):	Juris Doctor