

LAWS70037 Law of Royal Commission/Public Inquiries

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2012, Parkville This subject commences in the following study period/s: August, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
Prerequisites:	None.
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 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Contact:	For more information, contact the Melbourne Law Masters office. Email law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) or phone +61 3 8344 6190. Alternatively, visit our website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<i>This subject will be taught with the assistance of others highly qualified in this field, including Neil Young QC, Douglas Meagher QC, Peter Clark QC, Jack Rush QC and Judge Paul Lacava QC.</i> Royal Commissions and Public Inquiries are increasingly being used by all governments. Inquiries such as the Victorian Bushfires Royal Commission are a frequent event. Nearly every state now has a Corruption Commission, and several have Crime Commissions and Police Integrity bodies. The federal government has a variety of standing commissions, such as the Australian Crime Commission and the Australian Securities and Investments Commission (ASIC). Most of such bodies have coercive investigative powers, and persons examined have legal representation. Lawyers appearing before such bodies require a detailed knowledge of their procedural rules, administrative and constitutional law, procedural fairness and the rights those examined have to rely on common law privileges and other rights.

	<p>This subject is designed to equip students to deal with such inquiries, at any level, whether in government departments, the private bars, working as solicitors, or in corporate law offices or as legal advisers to corporations.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Introduction to public inquiries # Appointment and composition (including constitutional constraints) # Supply of information # Power to compel # Limits on the power to compel, including public interest immunity (formerly described as 'Crown privilege'), privilege against self-incrimination and privileges of parliament # Application of rules of administrative law, including procedural fairness and judicial review # Legal representation and assistance # Contempt # Reopening of completed inquiries # Reform.
Objectives:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Have a grasp of the principles of law that govern the establishment and conduct of the two most important kinds of public inquiries – royal commissions and parliamentary inquiries # Understand the role played by the main forms of public inquiries in the Australian system of government and administration (including the need, in that regard, to balance the conflicting considerations of the right of the public to know about matters affecting their government, the right to privacy and the cost of such inquiries to the public in terms of expenditure and resources) # Understand the increasing relevance of administrative and constitutional law in relation to the conduct of public inquiries, including the advantages and disadvantages of judicial review in safeguarding the rights of individuals # Understand the difference between the adversarial and inquisitorial methods of inquiry # Understand and make recommendations for the reform of the law governing public inquiries # Be aware of, and able to assess, the relevance of the experience of the law of public inquiries in other comparable countries; e.g. the United Kingdom, New Zealand and Ireland.
Assessment:	<p>Take-home examination (50%) (12 pm 5 October to 5 pm 8 October) 5,000 word research paper (50%) (8 November) on a topic approved by the subject coordinator</p>
Prescribed Texts:	<p>Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5273</p>