

## PADM90006 The Rule of Law

<b>Credit Points:</b>	12.50		
<b>Level:</b>	9 (Graduate/Postgraduate)		
<b>Dates &amp; Locations:</b>	This subject is not offered in 2014. Intensive		
<b>Time Commitment:</b>	Contact Hours: 4 hours of seminars per week in weeks 7 to 12 of semester 1 Total Time Commitment: 120 hours		
<b>Prerequisites:</b>	Admission to the Master of Public Administration and successful completion of the subject The World of Public Administration		
	<b>Subject</b>	<b>Study Period Commencement:</b>	<b>Credit Points:</b>
	PADM90007 The World of Public Administration	February	12.50
<b>Corequisites:</b>	None		
<b>Recommended Background Knowledge:</b>	Previous study in public policy, political science, management, law, business, economics, international relations, non-profit management or cognate area.		
<b>Non Allowed Subjects:</b>	None		
<b>Core Participation Requirements:</b>	For the purposes of considering request for Reasonable Adjustments under the disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills and Assessment Requirements of this entry. The University is dedicated to provide support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>		
<b>Contact:</b>	Office of Graduate Studies, Faculty of Arts Email: <a href="mailto:arts-gradstudies@unimelb.edu.au">arts-gradstudies@unimelb.edu.au</a> (mailto:arts-gradstudies@unimelb.edu.au)		
<b>Subject Overview:</b>	<p>The <i>Rule of Law</i> is one of the core subjects in the Melbourne Master of Public Administration. The Melbourne MPA is an interdisciplinary, globally-focused degree program for managers that work within or with government in Australia or internationally. A foundational aspect of public administration is the legal environment within which public actors operate and understanding this is central to the activity of public administration and management. The subject identifies, explains and examines the role of law in providing legitimacy and authority for government, as a framework within which government must be conducted and as one of two principal systemic avenues through which the public accountability of government is secured (with political accountability). The subject matter is organised under the rubric of the rule of law, as a central organising legal value, which underpins a range of relevant legal rules and standards which shape the way in which those that work within and with government operate. The rule of law is claimed to characterise Australian government, has been described as an 'assumption' of the Australian Constitution and is widely accepted internationally as a prerequisite for the effective operation of a constitutional democratic state.</p> <p>While the outer parameters of the rule of law are contested, there is no dispute about the core requirement that all parts of government, without exception, must act according to law. In Australia, the relevant 'law' for this purpose is found in the Australian Constitutions, legislation enacted or authorised by a Parliament and the common law, all of which are informed by the long history of common law constitutionalism. A broadly comparable framework exists in all other countries. The subject will introduce students to the principal rules, standards and practices involved in governing according to law. Rather than enmeshing students in detailed legal technicalities, it will examine the requirements of the rule of law through a selected range of contemporary issues that demonstrate the rule of law in practice and the pressures to which it may be subject. It will also consider the implications for government according to the rule of law of the increasing significance of international law for public managers, and those actors that work with government in the realm of public administration.</p>		

<b>Learning Outcomes:</b>	<p>Students who successfully complete this subject will:</p> <ul style="list-style-type: none"> <li># Understand the importance of law to public administration, and to the activity of those actors that work with and within government;</li> <li># Understand why and how law authorises and constrains all public sector actors;</li> <li># Understand the principal legal elements of the constitutional and legal framework for the operations of government in Australia and internationally</li> <li># Have the capacity to plan public action so as to comply with law, to recognise and evaluate legal issues when they arise in practice, and to take appropriate action in relation to them;</li> <li># Understand and be able to make a constructive contribution to debate on a range of contemporary challenges to the operations of the rule of law in Australia and internationally;</li> <li># Be aware of the implications of internationalisation and globalisation for the legal framework within which government acts, for its theoretical underpinnings and for its operation in practice.</li> </ul>
<b>Assessment:</b>	<p>Assessment task 1: An issues paper of 1000 words which sets out a practical issue related to key themes in the subject (10%) due in the week beginning 7 April; Assessment task 2: Syndicate project (group presentation and individual paper): Group presentation (20%) scheduled during the semester Individual paper of 1500 words exploring key aspect of the group presentation (20%) due one week after presentation Assessment task 3: Memorandum or briefing paper of 2500 words applying key concepts from the course to a practical issue (50%) due in the week beginning 23 June; Hurdle Requirement: This subject has a minimum Hurdle Requirement of 80% seminar attendance. Regular participation in seminars is required. Assessment submitted late without an approved extension will be penalised at 10% per working day. In-class tasks missed without approval will not be marked. All pieces of written work must be submitted to pass this subject.</p>
<b>Prescribed Texts:</b>	All readings will be provided via the LMS
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of this subject students should have:</p> <ul style="list-style-type: none"> <li># A critical understanding of the operation of governments in Australia, the Asia-Pacific region and across the world, and the relationship between the operation of government and the rule of law;</li> <li># A cross-cultural and interdisciplinary understanding of the complexity of international relations, in particular in relation to the implications of internationalism and globalisation for the legal framework within which government acts;</li> <li># A sound understanding of the way in which the rule of law applies to public management processes and decisions, and what it requires of public sector actors;</li> <li># A high-level ability to combine professional skills with discipline-based expertise in the rule of law, and to apply this synthesis to professional practice;</li> <li># A highly-developed capacity to adapt to new situations and challenges in accordance with the rule of law;</li> <li># Well-developed interpersonal and communication skills necessary to a range of professional activities including report writing and workplace discussions;</li> <li># Flexible communication skills with a highly attuned sensitivity to a diverse audience, and to the issues specific to cross-cultural communications.</li> </ul>
<b>Related Course(s):</b>	<p>Master of Public Administration Master of Public Administration (Enhanced)</p>